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THE EXAMINATION OF JOSEPH GALLOWAY, Esq;

Late Speaker of the House of Assembly of Pennsylvania,

BEFORE

THE HOUSE OF COMMONS,

IN A COMMITTEE

ON THE AMERICAN PAPERS,

WITH

EXPLANATORY NOTES.

LONDON:
Printed for J. Wilkie, No. 71, in St. Paul's Church-yard.
M DCC LXXIX.

[Price Two Shillings.]

Mercurii, 16° die Junii, 1779.

COMMITTEE on PAPERS preſented by Mr. DE GREY, the 19th of March laſt, purſuant to Addreſs.

Mr. MONTAGU in the Chair.

JOSEPH GALLOWAY, Eſq; called in, and examined by Lord GEORGE GERMAINE.

Q. HOW long have you lived in America?

A. I have lived in America from my nativity to the month of October laſt, about forty-eight years!

Q. In what part; and what public office have you held?

A. I have lived in the province of Maryland, in the Delaware counties, and in the province of Pennſylvania, chiefly in Philadelphia. My public profeſſion was that of the law.—I practiſed in all the courts of Pennſylvania, in thoſe of the Delaware counties, and in the ſupreme courts of New Jerſey.—I was a member of the Aſſembly of Pennſylvania eighteen years—Speaker of the Houſe twelve.—I was

appointed by the Aſſembly of that province to attend the American Congreſs, which met the 5th of September 1774.—During the laſt war, under an appointment of the ſame Aſſembly, I was one of the Commiſſioners for diſpoſing of the money granted to the crown, and have been ſeveral times a Commiſſioner to treat with the Indians; and, when Sir William Howe took poſſeſſion of the city of Philadelphia, at his requeſt I undertook the office of Superintendant of the Police of the city of Philadelphia and its ſuburbs, of the Port, and of the prohibited Articles.

Q. When did you come over to the Britiſh army, and how long did you continue with it?

A. I came over to the royal army in the beginning of December 1776, and continued with it until the evacuation of Philadelphia, on the 18th of June laſt.

Q. At the beginning of the preſent rebellion, when the inhabitants firſt took up arms, had the people, in general, independence in view?

A. I do not believe, from the beſt knowledge I have of the ſtate of America at that time, that one-fifth of the people had independence in view.—I wiſh when I give an opinion, always to give my reaſons for it.—The progreſs of the ſpirit of independence was very gradual. So early as the year 1754, there were men in America, I may ſay in the towns of Boſton, New York, Philadelphia, and Williamſburg, who held independence in proſpect, and who were determined to ſeize any opportunity that offered to promote it, by procuring additional perſons to their number.—Theſe men, when the Stamp Act was paſſed, made

made a ſtalking-horſe, or ſkreen, of the gentlemen of the law in every part of America, to cover their deſigns, and to ſound the trumpet of oppoſition againſt Government; but avowed, that their conduct was on the ground of obtaining a redreſs of American grievances, and not with a deſign to ſeparate the two countries. —Upon this ground, I am confident, the gentlemen of the law acted. When the Tea Act was paſſed, they made the ſame uſe of the merchants who were ſmugglers in America, as they had done of the lawyers before, ſtill declaring, that they meant not independence.—So late as the ſitting of the Congreſs in 1774, the ſame men when charged with it in Congreſs, and whilſt they held it tenaciouſly and religiouſly in their hearts, they almoſt to a degree of profanity denied it with their tongues—and all this was done on their knowledge, that the great bulk of the people of North America was averſe to independence.—If we look at the reſolves of Congreſs, down almoſt to the very period of their declaration of independence, we ſhall find the ſame language, the ſame pretence of obtaining a redreſs of grievances, held out to the people. And for the ſame reaſon, at the very time they declared independence, they gave out, that it was not with a view to a total ſeparation of the two countries, but from neceſſity; becauſe, unleſs they declared independence, the powers of Europe would not trade with them, and they were in great diſtreſs for want of a great many foreign neceſſaries.—So that, from all theſe circumſtances, I am con-

 vinced,

vinced, that not one fifth part of the people had independence in view *!

If

* Mr. Galloway here added,—" I think I may ſafely ſay, not one-tenth part had independence in view;"—which opinion will appear to be founded in truth from the following circumſtances. The inſtructions given to the Delegates in Congreſs were partly in the following words:—To the Delegates from New Hampſhire,—" to reſtore that peace, harmony, and mutual confidence, which once happily ſubſiſted between the parent country and her Colonies."—To the Delegates of Maſſachuſetts Bay,—" to determine on meaſures for the reſtoration of union and harmony between Great Britain and the Colonies, *moſt ardently deſired by all good men*."—To the Delegates of Rhode Iſland,—" to conſult upon proper meaſures to eſtabliſh the rights and liberties of the Colonies."—To the Delegates of Connecticut,—" for advancing the beſt good of the Colonies."—The Delegates from New York and New Jerſey had no particular inſtructions.—The Delegates from Pennſylvania were enjoined—" to conſult upon the preſent unhappy ſtate of the Colonies, and to form and adopt a plan for the purpoſes of obtaining a redreſs of American grievances, aſcertaining American rights upon the moſt ſolid and conſtitutional principles, and for eſtabliſhing that union and harmony between Great Britain and her Colonies, which is ſo indiſpenſably neceſſary to the welfare and happineſs of both."—The Delegates from the Delaware Counties were confined to—" *prudent and lawful meaſures* for obtaining a redreſs of the general grievances."—The Delegates from Maryland and Virginia were confined to meaſures—" operating on the commercial connection of the Colonies with the mother-country, and ſpeedily to procure the return of that *harmony and union*, ſo beneficial to the whole nation, and ſo ardently deſired *by all Britiſh America*."—And the inſtructions from North and South Carolina were to the ſame purport.—In the Letter to the People of Quebec, the Congreſs declare, that " their confederation has no other objects, than the perfect ſecurity of the natural and civil rights of all the conſtituent members of the Britiſh government, according to their reſpective circumſtances, and the preſervation of a happy and *laſting connection* with Great Britain, on ſalutary *and conſtitutional principles*."—And in a pamphlet publiſhed

Q. If ſo large a proportion of the people of America were ſo averſe to independence, why have they ſuffered their preſent rulers to obtain ſo much power over them as to prevent any effectual exertion in ſupport of their principles?

A. The Congreſs having prevailed upon a very ſmall part of the people to take up arms, under the pretence of obtaining a redreſs of grievances; and having an army compoſed of thoſe people under their command, and ſubject to military diſcipline, they diſarmed, or cauſed to be diſarmed, all perſons whom they thought diſaffected to their meaſures, or wiſhed to be united to this country, contrary to their ſcheme of Independence. I have the reſolves of Congreſs, dated 2d January, 1776,

publiſhed in vindication of the conduct of the Congreſs, intitled, "The other Side of the Queſtion, &c." they are obliged to make the following declaration, to refute the charge brought againſt them of intending to eſtabliſh independence, viz.—"As to the thought of eſtabliſhing a republic in America,—*breaking off our connection with Great Britain*, and becoming independent,—I conſider it as the moſt vain, empty, ſhallow, and ridiculous project, that could poſſibly enter into the heart of man.—I do not believe there are *five hundred on the Continent*, who have the leaſt pretenſions to common ſenſe, who would not riſque their deareſt blood to prevent ſuch meaſures."——Even ſo late as the time of declaring the Colonies independent, the Congreſs who were appointed by a very few of the people, and theſe the moſt diſaffected, found it an arduous taſk to accompliſh it.—Their debates laſted near a fortnight, and when the queſtion was put, ſix Colonies divided againſt ſix; the Delegates for Pennſylvania being alſo divided, the queſtion remained undecided.—However, one of the Members of that Colony who had warmly oppoſed it, being wrought upon by Mr. Adams's art, changed his opinion, and upon the queſtion the next day, it was carried in the affirmative by a ſingle vote only.

at my houſe to that purpoſe *.—They went ſo far as to diſarm (by ſending two battalions into Queen's county, in the province of New York, for that purpoſe) a large number of the people of that diſtrict, for no other reaſon but becauſe they voted againſt ſending a member to the Convention of New York; they totally, as I may ſay, diſfranchiſed them;—they would not ſuffer them to trade, or be traded with;—they ſuf-

* Extracts from the Journals of Congreſs, January 2d, 1776.

"—And with reſpect to all ſuch unworthy Americans as, regardleſs of their duty to their Creator, their country, and their poſterity, have taken part with our oppreſſors, and, influenced with the hope and poſſeſſion of ignominious rewards, ſtrive to recommend themſelves to the bounty of adminiſtration, by miſrepreſenting and traducing the conduct and principles of the friends of American liberty, and oppoſing *every meaſure* formed for its preſervation and ſecurity;

"*Reſolved*, That it be recommended to the different Aſſemblies, Conventions, and Committees or Councils of Safety in the United Colonies, by the moſt ſpeedy and effectual meaſures, to fruſtrate the miſchievous machinations, and reſtrain the wicked practices of theſe men:—And it is the opinion of this Congreſs, that they ought to be diſarmed, and the more dangerous among them either kept in ſafe cuſtudy, or bound with ſufficient ſureties to their good behaviour. And in order that the ſaid Aſſemblies, Conventions, Committees, or Councils of Safety may be enabled, with greater eaſe and facility, to carry this reſolution into execution,

"*Reſolved*, That they be authoriſed to call to their aid, whatever continental troops, ſtationed in or near their reſpective colonies, may be conveniently ſpared from their more immediate duty; and the commanding officers of ſuch troops are hereby directed to afford the ſaid Aſſemblies, Conventions, Committees or Councils of Safety, all ſuch aſſiſtance, in executing this reſolution, as they may require, and which, conſiſtent with the good of the ſervice, may be ſupplied."

fered

fered them to be ſued, but would not let them ſue in their courts of juſtice; they would not ſuffer them to paſs out of their diſtrict on any account †.—By theſe means the well-affected part of America to this government became diſarmed, and the arms were put into the hands of thoſe on whom the Congreſs could rely—a ſmall part of the people. If we look into the hiſtory of this kingdom, ſo early as the great rebellion in 1640, we ſhall find the very fact

† Extracts from the Journals of the Congreſs, January 3d, 1776.

"*Reſolved*, That all ſuch perſons in Queen's County, as voted againſt ſending Deputies to the preſent Convention of New York, and named in a liſt of delinquents in Queen's County, publiſhed by the Convention of New York, be put out of the protection of the United Colonies, and that all trade and intercourſe with them ceaſe; that none of the inhabitants of that county be permitted to travel or abide in any part of theſe United Colonies, out of their ſaid county, without a certificate from the Convention or Committee of Safety of the colony of New York, ſetting forth, That ſuch inhabitant is a friend to the American cauſe, and not of the number of thoſe who voted againſt ſending Deputies to the ſaid Convention; and that ſuch of the ſaid inhabitants, as ſhall be found out of the ſaid county, without ſuch certificate, be apprehended, and impriſoned three months.

"*Reſolved*, That Colonel Nathaniel Heard, of Woodbridge, in the colony of New Jerſey, taking with him five or ſix hundred minute-men, under diſcreet officers, do march to the weſtern part of Queen's County.——And that Colonel Waterbury, of Stanford, in the colony of Connecticut, with the like number of minute-men, march to the eaſtern ſide of ſaid county;—that they confer together, and endeavour to enter the ſaid county on one day; that they proceed to diſarm every perſon in the ſaid county, who voted againſt ſending Deputies to the ſaid Convention, and cauſe them to deliver up their arms and ammunition on oath; and that they take and confine in ſafe cuſtody, till further orders, all ſuch as refuſe compliance."

alluded

alluded to in the queſtion, actually exiſting in the ſtate of this kingdom.—We ſhall find the people taking up arms, in order, as it was ſaid, to obtain a redreſs of grievances.—We ſhall find a few people at that time, who had arms in their hands, preventing the reſt, numerous as they were, from taking meaſures for their relief *.

After

* After the Congreſs had deluded a few of the moſt imprudent and violent of the people to aſſociate in arms, and had obtained an army in the field, they immediately took meaſures to diſarm thoſe who retained their loyalty, and gave oppoſition to their deſign. This oppoſition appeared in a variety of inſtances: but they, immediately on its appearance, took meaſures to ſuppreſs it. If pamphlets were wrote, condemning their conduct, the printer who preſumed to publiſh them was obliged to fly his country, and his office was ſeized. If any gave oppoſition at elections to their candidates, they were threatened, and intimidated from voting, impriſoned and diſfranchiſed. If any refuſed their Continental money at the nominal value, they were ordered, by a reſolve of Congreſs, 11th January, 1776, to be treated as *Enemies to their Country*, and precluded from *all trade or intercourſe* with the inhabitants. And by another Reſolve, dated January 14, 1777, they forfeited the value of the lands, goods, or commodities offered to be ſold, and the debts in payment of which it was tendered. And further to intimidate the Loyaliſts, and effectually to prevent their taking meaſures for their relief, laws were paſſed by the New States, declaring, "That if any perſon ſhould be adherent to the King of Great Britain, or to the enemies of the United States, by giving him or them aid or aſſiſtance, he ſhould be adjudged guilty of High Treaſon." And even, "If any perſon ſhould, by writing or ſpeaking, obſtruct or oppoſe the meaſures carried on by the United States," he ſhould be puniſhed by fine and impriſonment. If any body of men roſe in favour of Government, and to relieve themſelves from their oppreſſion, of which there have been a variety of inſtances, they were immediately ſuppreſſed by the ſuperior force of the Continental Army. In this ſtate of the people, into which they were ſeduced by the arts and force of the Congreſs, no man of ſenſe can be ſurpriſed

at

Q. After the declaration of Independence, when Lord Howe and the General arrived at Staten Iſland, did the people at large in the country expreſs a deſire to treat with the Commiſſioners?

A. I believe, in the Middle Colonies, where I reſided, it was very generally the wiſh of the people to treat with the King's Commiſſioners; and I have the beſt reaſon to believe, that it was in purſuance of the clamour of the people about the Congreſs in Philadelphia, that they ſent three Commiſſioners to meet Lord and Sir William Howe *.

Q. What

at their not being able to take effectual meaſures for their relief.

There have been very few revolutions in ſettled governments, which have been effected with the conſent and approbation of the people. Mankind are not eaſily drawn into a dereliction of a form of government, under which they have been educated. It is habit and fixt manners that form the national attachment, and prevail on men to prefer thoſe governments, however arbitrary and deſpotic, to others eſtabliſhed on the beſt regulated freedom. It is this that prevails with a Turk, or a Spaniard, to prefer the government of a baſhaw, or the inquiſitorial power, to that freedom which he might enjoy in other countries. Hence it is that we ſhall find, upon looking into hiſtory, that moſt revolutions have been effected by a few artful, bold, and ambitious men, whoſe firſt ſtep has ever been to delude the incautious and reſtleſs few, which every ſociety affords, into arms; the next to diſarm the reſt, and then to eſtabliſh their own meaſures and power over the whole ſociety, who, however deſirous of making the greateſt efforts for their relief, find it impoſſible under theſe circumſtances, and therefore patiently ſubmit to what they deteſt.

* The Congreſs were compelled by the clamours of the people to ſend a Committee to treat with Lord Howe; but did not mean to do it, ſave in appearance only. The au-

 thority

Q. What proportion of the inhabitants of the revolted Colonies, do you think, from principle and choice, ſupported the preſent rebellion at any period?

A. I don't think that one fifth part have, from principle and choice, ſupported the preſent rebellion.—Many of thoſe, who have appeared in ſupport of it, have, by a variety of means, been compelled.—I would wiſh to give reaſons, and not fatigue the Committee. The laſt delegation to Congreſs, made by the province of Pennſylvania, and the appointment of all the officers of that ſtate, was made by leſs than two hundred voters, although there are at leaſt thirty thouſand men intitled to vote by the laws of that province. One inſtance more

thority given to that Committee was only "to hear ſuch propoſitions as Lord Howe ſhould think fit to make," and not to treat. See Reſolve of Congreſs, 6th of September, 1776. The Committee reported, that "his Lordſhip's Commiſſion contained no other authority of importance than that of granting pardons, with ſuch exceptions as the Commiſſioners ſhould think proper to make, and of declaring America, or any part of it, in the King's peace, upon ſubmiſſion." If the Commiſſioners had further and other powers, it is greatly to be lamented, that they did not think proper to make them known to the people, who were ſo deſirous of having the diſpute between the two countries ſettled without further bloodſhed, and upon reaſonable terms. It would have produced the moſt beneficial effects. If the terms had been approved by the people, which is far from being improbable from their then diſpoſitions, the Congreſs muſt have accepted of them, and an end would have been put to the war. The New States at this time were not formed, nor the Congreſs well eſtabliſhed in their power; they were of courſe more dependent on the people than they have been ſince, and muſt have complied with their demands.

I beg

I beg leave to give. One of the Delegates from the province of New York* (with whom I ſat in Congreſs in 1774) repreſenting a conſiderable diſtrict in that province, was choſen by himſelf and his clerk only, and that clerk certified to the Congreſs that he was unanimouſly appointed!

Q. Was the perſon ſo choſen received by Congreſs?

A. Yes, he was received on that return by the Continental Congreſs, in 1774.

Q. From your knowledge of the people of America, what proportion of the inhabitants do you think at this time would prefer a reconciliation with Great Britain, rather than aſſiſt in ſupporting American independence?

A. From the experience which the people have had of the ſuperlative and exceſſive tyranny of their new rulers; from the diſtreſſes they have felt by the ravages of war, and the loſs of their trade; from an averſion which they have to an attachment and connection with

* The people of King's County ſo much diſapproved of the ſending any Members to the Congreſs, that although due notice was given of the time and place of election, only two of them met: Mr. Simon Boerum appointed his friend Clerk, and the Clerk appointed Mr. Boerum a Delegate in Congreſs, who was the only Repreſentative for that large county. Other counties ſent no Delegate; and even ſo late as the year 1776, the inhabitants of Queen's County were diſarmed and disfranchiſed for refuſing to ſend a Member to the Convention of New York; and in no Colony, where theſe Delegates were not appointed by the Aſſemblies, which were in four only, were they choſen by one twentieth part of the people.

France, which they are fearful will terminate in the loſs of their liberties, civil as well as religious; and from the old attachment, and I believe an earneſt deſire to be united with this country, I think I may venture to ſay, that many more than four-fifths of the people would prefer an union with Great Britain, upon conſtitutional principles, to that of Independence. Many of the people, who at firſt took part in the oppoſition to Government, and were deluded by the Congreſs and its adherents, have ſeverely felt every degree of diſtreſs. From thoſe feelings they now reaſon, and that reaſon has prevailed on them to compare their old happy ſituation with their preſent miſery, and to prefer the former.

Q. What effect do you think it would have in America, if the people of that country thought an opinion prevailed here, that they were generally hoſtile to Great Britain?

A. It would ſtrike the friends of this country with diſtreſs and reſentment; with diſtreſs, at the thought that you ſhould conceive an idea ſo injurious to their principles; and with reſentment at the injuſtice of the idea.

Q. Have the inhabitants of America ſhewn a willingneſs to take up arms in the preſent conteſt, and have the Congreſs found it eaſy to recruit their armies?

A. A very ſmall part of the inhabitants of North America (I would rather confine myſelf to the Middle and Southern Colonies) have ſhewn a willingneſs to take up arms, more eſpecially ſince the declaration of Independence. The Congreſs have not found it eaſy to recruit their

their armies; they have made uſe of every means that art and force could ſuggeſt for that purpoſe.

Q. What were the methods made uſe of by the Congreſs to compel the inhabitants to take up arms?

A. When they found they could not recruit their army in the ordinary way by recruiting, the Rebel States paſſed laws for drafting their militia, compelling every perſon drafted to enter into the military ſervice, or to find a ſubſtitute, or to be impriſoned. Some were even puſhed into the field by the bayonet (but this was not part of the law). In Virginia they paſſed a law for exempting every two perſons, who ſhould find a recruit, from all military ſervice. For theſe ſubſtitutes, and for the recruits, there have been from 40l. to 100l. given. In the ſame province, they paſſed another law for manumitting every ſervant who would enter into the ſervice. By theſe means the Congreſs chiefly raiſed their armies, and not from the voluntary enliſtment of the people.

Q. Were great exertions made by the Congreſs and their adherents, to bring a numerous army into the field for the campaign of 1776?

A. There certainly were very great exertions; but at that time they did not make uſe of the compulſory meaſures, which they were obliged to do afterwards, when the people were ſatisfied that they meant Independence.

Q. What was the force under Waſhington when Sir William Howe landed in Long Iſland?

A. From

A. From the beſt information I could get, I believe it was about 20,000 men. Some ſaid more, others ſaid leſs.

Q. Was their force compoſed chiefly of militia, or continental troops?

A. More of militia than continental troops.—They had not then had time to raiſe by recruiting any great number of men, nor were their ſtates at that time perfectly formed, and therefore could not make the exertion for raiſing the regular troops which they did afterwards.

Q. Did Waſhington's army diminiſh after the battle at Long Iſland—and what was his force at the end of the campaign, when Gen. Howe was at Trenton?

A. In conſequence of the ſucceſs on Long Iſland, New York, the White Plains, and Fort Independence, Waſhington's army did diminiſh very rapidly; inſomuch that, when Waſhington croſſed the Delaware, and Sir William Howe marched to Trenton, his army did not conſiſt of more than 3300 men.

Q. What do you take to have been the cauſe of ſo great diminution of the rebel force?

A. They were panic-ſtruck by the ſucceſſes I have mentioned, and deſerted in great numbers. I was at that time in Pennſylvania. Many of them, who fled from the army, paſſed by my houſe, and I converſed with them. They all appeared to me to be in the extremeſt panic.

Q. What was the diſpoſition of the people in Pennſylvania when Gen. Howe arrived at Trenton?

A. I had, though with the army at that time, conſtant communication with my friends in Pennſylvania, from whom, while on the Delaware, I learnt the diſpoſition of the people; and when laſt in Philadelphia with the Britiſh army, I made it my particular buſineſs to enquire into the ſtate of the province, at the time Sir William Howe was at Trenton; and I converſed with no man, who did not inform me, that the people of Pennſylvania were diſpoſed to ſubmit to Government, a few of the moſt violent, and very few excepted, and they were thoſe who had acted the moſt violent part. Great pains were taken to get the militia out, but in vain; very few were prevailed on to turn out.

Q. Did they expect the Britiſh army in Philadelphia at that time?

A. They certainly did.

Q. Did the members of the Congreſs, and others who had taken an active part in the rebellion, take any ſteps in conſequence of their expecting the Britiſh troops in Philadelphia?

A. I was informed by every one I converſed with on the ſubject, that the Congreſs and the Rebel States, in which I include all their officers, fled in a panic from Philadelphia, many of them leaving a part of their property behind them; and when I was laſt at Philadelphia, I was informed by two of three gentlemen, that they were appointed by a number of reſpectable inhabitants of the city of Philadelphia, to wait on Congreſs, and to inform them, that they would go out, and certainly

meet Sir William Howe, in caſe he ſhould croſs the Delaware, and implore his protection in behalf of the inhabitants;—that they did wait on Congreſs accordingly, delivered their meſſage, and received for anſwer from the Congreſs, that they could not blame them, for they could no longer protect them*.

Q. Do you know any thing of the diſpoſition of the other revolted colonies? Were they, from the ſucceſſes of the Britiſh army, diſpoſed to peace; or did they ſtill remain ſanguine in their hopes of maintaining their Independence—I mean thoſe who had been the ſupporters of the Congreſs and their meaſures?

A. I had very good opportunities of knowing the ſtate of the Middle Colonies, in which I include New York, New Jerſey, Pennſylvania, Maryland, the Delaware counties, and Virginia. Gentlemen of fortune and integrity, on whom I ſhould rely, came in to me at Philadelphia, from Norfolk in Virginia, Williamſburgh, Frederickſburgh, the diſtant county of Botetourt, Fort Pitt, and from the intermediate parts of New York, New Jerſey, Maryland, and the Delaware counties, from whom I made it my particular buſineſs to learn the

* It is well known to ſeveral gentlemen now in London, that the Congreſs loſt all fortitude of mind, and in the greateſt diſtreſs weeped at the folly of their conduct, declared they could no longer oppoſe Great Britain, and that they were ruined. They fled with the greateſt precipitation from Philadelphia to Baltimore, and many of them to their reſpective colonies.

ſtate

ſtate of the diſpoſition of the people of thoſe Colonies, as well at that time, as in the year 1776, when Sir William Howe was at Trenton. And I was informed by all of them, that the panic extended through all thoſe parts, and at that time very few indeed entertained hopes of ſupporting the independence.

Q. Do you think if Sir William Howe had purſued Waſhington croſs the Delaware, ſcattered the remains of his army, and taken up his quarters at Philadelphia, that the Congreſs would have been able to raiſe another army?

A. I verily believe they would not have been able to raiſe an army of any conſequence, not of 5000 men, ſo as to take the field at the uſual time of opening the campaign.—It was not only my opinion, but that of every gentleman I converſed with on the ſubject in Pennſylvania.

Q. What effect had the ſucceſs of the rebels in defeating and making priſoners the Heſſians at Trenton on the minds of the people?

A. It had a very miſchievous effect to the Britiſh ſervice.—It removed that panic with which the new ſtates of the Middle Colonies were ſtruck.—It enabled the Congreſs and the Members of the new ſtate of Pennſylvania to return to Philadelphia, the moſt advantageous poſt for their reſidence in all America.—It revived their ſpirits, and the ſpirits of the diſaffected.—It induced a number of the Militia to turn out, who otherwiſe would not have done it, and contributed in a great meaſure to the raiſing of the army which Waſhington commanded the next campaign.

Q. After the affair at Trenton, did the Congreſs find it eaſy to recruit their army, and what number of troops had Waſhington with him in the Jerſeys during the winter?

A. Notwithſtanding that ſucceſs, the Congreſs did not find it eaſy to recruit their army.—They were obliged to make uſe of the compulſory methods I have mentioned; and yet, during the winter, Waſhington, at Morris Town, from the beſt information I could get, had not 6000 men.

Q. Did Waſhington take any meaſures to prevent the Britiſh army from procuring proviſions in their march through the Jerſeys, and what meaſures?

A. In Waſhington's retreat through the Jerſeys, he iſſued a proclamation, commanding the inhabitants near that route, which he ſuſpected the Britiſh army would follow, to remove all their proviſions, under pain of having them deſtroyed; but this proclamation was not obeyed, nor did he dare to put it into execution—he did not, leſt he ſhould render the people more averſe to his meaſures.

Q. Did the Britiſh army find difficulty in procuring proviſions whilſt on the banks of the Delaware?

A. They did not.—I was both at Trenton and Burdenton, the two poſts left by Sir William Howe on the Delaware.—The people brought in their cattle and other proviſions to both thoſe poſts.—Captain Gambell, with whom I lodged, acted as Deputy Quarter-maſter.—I drew, at his requeſt, invitations to the people of the country

country to bring in their proviſions towards forming a magazine at Burdenton; and although he was there but a little while, a very conſiderable magazine was formed, and great quantity of proviſions brought in, before he was obliged to leave it by the taking of Trenton.

Q. Had General Howe taken up his winter quarters at Philadelphia, would he have run any riſk of not being ſupplied with proviſions from the country?

A. I think it impoſſible.—The country was full of proviſions.—General Howe's army was the ſuperior army, and certainly might have foraged, had the inhabitants not brought in their proviſions—of which, I think, there could be no doubt, becauſe, when Sir William Howe was at Philadelphia in 1777, the people at that time, when Waſhington had four times the number of troops that he had at Trenton, and when his party was continually patrolling round the lines;—the inhabitants of Philadelphia, the army and navy, ſuch as choſe to eat freſh proviſions, were ſupplied by the country —from without the lines.

Q. What number of men did the Congreſs vote for the campaign 1777?

A. Congreſs voted for that year 88 battalions, each conſiſting of 750 men, officers included, making in the whole 66,000 men.

Q. What number did they actually raiſe for that year?

A. At the outſide, they did not bring into the field 16,000 men.—I think I am beyond the mark in that number.

Q. What was the reaſon that ſo ſmall a number of the troops voted were raiſed? Was it that the Congreſs had altered their reſolution as to the numbers to be employed, or was it becauſe the men were not to be had?

A. It was not becauſe the Congreſs had altered their reſolution, but becauſe the men were not to be had.—They made every exertion as uſual; but they had loſt in the Canada expedition, at Boſton, where they were extremely ſickly, killed in battle in the ſeveral engagements with the Britiſh troops, taken priſoners, and by deaths in the military hoſpitals, ſouthward of New York, I think I may ſafely ſay, upon good enquiry, nearly 40,000 men.—The people alſo, at that time, were more averſe to the meaſures of Congreſs than the year before *.

Q. What were the exertions made uſe of to bring a numerous army into the field?

A. They were, as I mentioned before, partly recruiting, drafting their militia, and enliſting of ſervants.

Q. What proportion of the troops that compoſed Waſhington's army enliſted voluntarily?

A. I cannot anſwer that queſtion with preciſion. — I believe, not a moiety of them.

* The Rebel States, ſince the commencement of the rebellion, have loſt in their military hoſpitals, and in battle, in their naval and land ſervice, not much ſhort of 100,000 men, which amount to a fifth-part of the white men in America capable of bearing arms.

Q. Were

Q. Were deſerters from the rebel army frequent while Sir William Howe was in Philadelphia?

A. They were frequent—almoſt daily.—I have known forty-nine come in in a day—many days from ten to fifteen.

Q. What number do you ſuppoſe came in to the army at Philadelphia?

A. The deſerters were generally ſent from head-quarters down to me for examination—from me they went to Mr. Story, the officer appointed to adminiſter the oath of allegiance.—He kept a regular account of their numbers, their names, and the places of their nativity, and I think there were upwards of 2300 qualified at his office; and I believe, on good reaſon, there might have been upwards of 7 or 800 more not qualified; for I often found, on ſeeing him in the evening, that the numbers I had ſent down to him had not gone, ſo that I ſuppoſe, at leaſt, 3000 came in.

Q. Do you ſuppoſe the number you have mentioned to be the whole of the deſertion from the rebel army?

A. By no means; I do not ſuppoſe it;—many might have deſerted into the country to their friends—perhaps, half as many more.

Q. What was the encouragement held out to induce deſerters to come over to us?

A. A proclamation was iſſued by Sir William Howe, offering them a paſſage home to Ireland or England, their native country, and they were generally paid for their arms and accoutrements.

Q. That

Q. That part of the rebel army that enliſted in the ſervice of the Congreſs, were they chiefly compoſed of natives of America, or were the greateſt part of them Engliſh, Scotch, and Iriſh?

A. The names and places of their nativity being taken down, I can anſwer the queſtion with preciſion.—There were ſcarcely one-fourth natives of America;—about one-half Iriſh,—the other fourth were Engliſh and Scotch.

Q. What is the character that the Provincials ſerving in the Britiſh army bear? Are they good troops, and have they behaved well when employed?

A. I have underſtood, as ſoon as they are diſciplined they are very good troops, and have always behaved well; I know of no inſtance to the contrary.—That I know to be the opinion of many of the military gentlemen.

Q. Do you know any thing of the army of the Rebels in general, how that is compoſed—of what country people?

A. I judge of that by the deſerters that came over.

Q. What was the ſum given as bounty money to a recruit enliſting in our provincial corps?

A. I have underſtood five hard dollars.

Q. At that time, what was the ſum given by the rebels for a recruit to ſerve in the army of the Congreſs?

A. The Congreſs gave twenty paper dollars a man, beſides eight paper dollars to the perſon who ſhould procure a recruit —It was recommended by the Congreſs, in order to facilitate

litate the recruiting for the Rebel States, to divide the ſtates into diſtricts, and to appoint two or more perſons to recruit in each diſtrict. —Theſe perſons had the eight Continental dollars.

Q. What was the proportion between the hard and the paper dollars?

A. It is impoſſible to ſay;—they are now from fifteen or twenty to one.

Q. At the time the army was at Philadelphia?

A. I cannot ſay; they might be three or four, or five or eight to one *.

Q. What have you known to be given for ſubſtitutes?

A. I have known from 40 l. to 100l. Continental money †.

Q. What number of men do you ſuppoſe are now ſerving in our army in America, as Provincials?

A. I have been informed, from 6 to 7000—but I do not know of my own knowledge.

Q. Were there any number of them embodied as militia in any part of the country where the King's troops have been in poſſeſſion?

A. I underſtood, when I was at New York, that there was a body of militia formed at Long Iſland.—There were none in the Jerſeys, nor at Philadelphia.

* The Continental money was conſtantly fluctuating in its value.—When the Britiſh army entered a province, its value was in a manner annihilated, and the people ventured openly to refuſe it.

† By late accounts from gentlemen of the beſt credit at New York, the extravagant ſum of 200l. has been given for a ſubſtitute.

Q. Were there ever any attempts made to induce the inhabitants to take up arms, and defend the country againſt the incurſions of the Rebels either in Pennſylvania or the Jerſeys?

A. Not as militia;—there were corps enliſted in Philadelphia.

Q. What number of men were there in Philadelphia capable of bearing arms?

A. At the deſire of Sir William Howe, I numbered the inhabitants of the city of Philadelphia and the ſuburbs, diſtinguiſhing the males from the females, and taking the number of thoſe between 18 and 60 years of age.—There were in Philadelphia and ſuburbs, within the limits, 4481 males under that deſcription.

Q. Might not thoſe men have been embodied as a militia for the defence of the city?

A. A part of them were Quakers—about one-fourth.—Theſe would not take up arms on any account.—I know of no reaſon why the others might not have been induced to take up arms.

Q. Were thoſe who were found in actual rebellion, or known to be diſaffected, diſarmed?

A. In the city of Philiadelphia, the inhabitants that were diſaffected were diſarmed by me, in purſuance of directions from Sir William Howe.

Q. Were arms put into the hands of the well affected inhabitants who had before been diſarmed by the rebels?

A. Not generally.—A number of men, to the amount of eighty or ninety, came in from the country, where I generally reſided in the ſummer,

ſummer, and offered to ſerve without clothing or pay, with an allowance of proviſions;—for theſe I procured from Sir William Howe arms;—and another body of men that came from Jerſey, the numbers I do not know, had alſo arms put into their hands.

Q. Do you know of any inſtances of the inhabitants taking up arms of their own accord in ſupport of the King's authority?

A. There was a conſiderable body of people of the back parts of North Carolina (the rebels in their account called them 1600), who took up arms in ſupport of the King's authority, but they were attacked and defeated by the rebels *.—Another body in the peninſula between the Cheſapeak and the Delaware (as I was well informed, conſiſting of 2000), likewiſe took up arms in ſupport of the King's authority.—Another party in the ſame peninſula, at another time (conſiſting of ſeveral hundreds), and another in the county of Monmouth, in the Jerſeys, conſiſting of about 100.—And I was well informed, that ſome of the diſtricts above Albany, at the time that General Burgoyne was advancing towards that place, took up arms, and prevented the diſaffected part of the diſtricts from joining General Gates; declaring, that if they went out to join General Gates, they would join General Burgoyne.

* Some of theſe loyaliſts were armed with guns, others with clubs only.—Indeed this was the circumſtance in every caſe where the people roſe in favour of Government;—their arms having been generally taken from them, under the order of the Congreſs or Conventions.

Q. Did you find many houſes deſerted as the army marched through Jerſey, or in the way from the Head of Elk to Philadelphia?

A. General Howe happened to land his troops in a part of the country more diſaffected than any other part I know; I mean Cecil county in Maryland.—At and about the Head of Elk, a number of inhabitants did deſert their houſes, and carry off their effects, but not all.—After Sir William Howe had advanced into the country from thence, about eight or ten miles, as near as I can gueſs, I don't believe that I ſaw in the whole route of the army, from thence to Philadelphia, conſiſting of at leaſt ſeventy miles, above ten, or, at moſt, fifteen houſes deſerted. —I think not ſo many, but I chuſe to be under the mark.—The inhabitants were found quietly at home; and, to me, there appeared every mark of pleaſure at the troops arriving in the colony.

Q. What quantity of proviſions did the army carry with it from the Head of Elk, or from Pencadder, where General Grant joined them?

A. I can't ſpeak to that queſtion from my own knowledge; but I was informed by the officers of the army that there was about fourteen days proviſions landed †.

Q. How long was it from the time you left Pencadder to the time the General received proviſions from the fleet in the Delaware?

† A great part of theſe proviſions muſt have been expended by the army before Sir William Howe left Pencadder.—The army was landed on the 25th of Auguſt, and it did not march from that place before the 8th of September.

A. I think the army marched from Pencadder the 8th of September; and, to my beſt recollection, the Welch Fuzileers went down, for the firſt time, to the ſhips below Philadelphia, to eſcort up the firſt proviſions on the 3d of October.

Q. How did the army ſubſiſt during that time?

A. The army in their march got large quantities of proviſions ſupplied by the inhabitants—They drove a large quantity of live ſtock with them to German Town, and ſome to Philadelphia.—They got other proviſions in the country.—They took a magazine of flour at Valley Forge, which I underſtood was deſtroyed.

Q. While the Britiſh army lay at Philadelphia, did the inhabitants from the neighbouring countries, without the lines, bring in proviſions, and were the markets plentifully ſupplied?

A. The army lay at Philadelphia nine or ten months—there was in that city and ſuburbs, within the Britiſh lines, near 25,000 inhabitants—I include the number of people that came in, beſides the real inhabitants there; theſe, with the army and navy, did not want freſh proviſions of all kinds whilſt they remained at Philadelphia.

Q. In what ſtate was Waſhington's army, in reſpect to proviſions, while the Britiſh army was thus ſupplied?

A. Part of that time Waſhington's main army lay at Valley Forge—it was then in extreme diſtreſs for want of proviſions—the deſerters who came in informed me, that they were ſeve-

ral days at half allowance; and ſome that I examined told me, that they had had furloughs to go out into the neighbourhood to get proviſions.—At that time Waſhington received a conſiderable part of his ſupplies from the diſtant parts of Virginia and North Carolina, brought up the Cheſapeak, landed at Elk, and from thence conveyed to his camp at Valley Forge in waggons.——The inhabitants were ſo averſe to the meaſures of Congreſs, that they did not ſupply him with proviſions.

Q. Had not you correſpondence through many different parts of America, in order to furniſh General Howe with intelligence?

A. The General, in ſome meaſure, relied on me for intelligence — he had other means of getting intelligence. — I ſent out to my friends on the Suſquehannah and to the Delaware—it was an eaſy thing ſo to do.—The inhabitants were continually going in and coming out; and I deſired that they would inform me of every thing material that happened in thoſe parts reſpecting the number of troops that ſhould be coming to join Waſhington.—I ſent out many ſpies for the General on other occaſions.—The General had the beſt intelligence from other circumſtances, which it would be improper for me to mention.—The intelligence, I think, muſt have been good, whilſt Waſhington, in poſſeſſion of that country, complained of the want of intelligence, and ſaid he was in an enemy's country.—I had this from an officer under Waſhington.—I would add, with reſpect to the diſpoſition of the people, that perſons came in to me from all quarters of the

Middle

Middle Colonies, and from their intelligence I anſwered the former queſtion.

Q. To what cauſe was it owing that Waſhington's army was ſo badly ſupplied, when he had the command of the country?

A. Waſhington wanted flour and bread for his army, and grain and forage for his horſes.—He iſſued a proclamation, commanding all the inhabitants within ſeventy miles of his camp northward, ſouthward, and weſtward, to threſh out their grain; one half by the firſt of February, the other half by the firſt of March, under pain of having it taken from them, and only paid for as ſtraw.—But this proclamation was not obeyed—Waſhington then was obliged to ſend ſome of the men of his army to the neighbouring farmers to threſh out their grain, which he took and made uſe of without paying for it.

Q. Did Waſhington find the people ready to ſupply him with carriages?

A. He did not.—He got few carriages but what he took by force.—The people hid their waggon wheels.—He compelled them to produce them.—They then broke their wheels and diſabled their waggons, which rendered it very difficult for him to be ſupplied with waggons.

Q. In what ſtate was Waſhington's army in reſpect to clothing in the campaign of 1777?

A. All the deſerters who came in to us, except the Virginians, and a very few from the northward, were in a manner naked;—they were not clothed fit for the inclemency of the ſeaſon.—Some of them had linen garments on, and thoſe very ragged and torn.—Some without ſhoes, very few with whole breeches or

ſtockings

ſtockings—in ſhort, they were objects of diſtreſs when they came down to me to be examined.—The Virginians had paſſed a law, under which they authoriſed Commiſſioners to ſearch the houſe of every inhabitant for whatever ſpare cloth of every kind that might be ſuitable for the army, and to ſeize it for that purpoſe, which was executed.—The Virginians, therefore, were better clothed.—Waſhington ſent into the county of Bucks, where there was a conſiderable quantity of cloth manufactured, lying in their fulling-mills, and ſeized it for the uſe of his army; but before it was conveyed to him it was taken by an American troop of light horſe and ſome refugees, and conducted to Philadelphia.

Q. What ſtate was the rebel army in, in reſpect to health?

A. From the time the rebel army was at Boſton, to the time alluded to in the queſtion, Waſhington's army was always very ſickly, occaſioned, as the principal phyſician of his hoſpital informed me, by the want of ſalt, and the eating of freſh proviſions conſtantly without ſalt, together with their often wanting clothes, and other good appointments.—At the time alluded to in the queſtion, Waſhington had not leſs than ten hoſpitals.—I examined one of the phyſicians of thoſe hoſpitals, who gave me this information when he came to Philadelphia.

Q. What was the number of Waſhington's army at this time at Valley Forge?

A. In the latter end of February, or beginning of March, Waſhington had not 4000 effective men—from a great variety of accounts, from

from a number of people who lived by his camp, and from officers of his own army.

Q. By what means were the numbers there diminiſhed after the battle of German Town?

A. By the means I have deſcribed; ſickneſs and deſertion.

Q. Could an army of 15,000 men ſubſiſt upon the country in a march through the Middle Colonies?

A. Unleſs it is very much altered, and that very lately, they certainly could, and a much greater army. The Middle Colonies are colonies of proviſions.—They have a plenty of cattle and hogs; and they abound with grain, Indian corn, wheat, rye, oats, and barley.

Q. What number of people do you ſuppoſe the Britiſh army and its followers conſiſted of that were fed by the country in the march from Elk Head to Philadelphia, and until it opened its communication with the ſhips?

A. The army and its followers, I imagine, conſiſted of about 20,000 men.—I underſtood ſo from officers of rank in the army—I never ſaw the returns—but I underſtood that to be near the number.

Q. What was the diſpoſition of the Middle Colonies in the ſpring of 1778, before you left Philadelphia?

A. I had good reaſon to believe, from the enquiries I made reſpecting the diſpoſition of the people, that they were very generally deſirous of giving up their new rulers, and of being united with this country.

Q. Had you reaſon to belive that any gentlemen of weight and influence in Pennſylvania

were ready to exert themſelves in diſarming the diſaffected in the ſeveral counties, and reſtoring the counties to the peace of the King?

A. Almoſt from the time that I went to Philadelphia with the army, to that of the evacuating of the place, gentlemen from many of the counties in the peninſula below, indeed almoſt all, and ſeveral counties in Pennſylvania, Philadelphia county, Bucks, Lancaſter, Cheſter, Cumberland, and ſome of the counties in Jerſey, ſent me aſſurances, that as ſoon as the Britiſh army ſhould operate againſt General Waſhington, and drive him over the Suſquehannah, or the Delaware, they would (could they be ſupplied with the arms they wanted) exert themſelves in reſtoring the ſeveral diſtricts to the peace of the crown, and that they had no doubt of accompliſhing it.—I believed this information.—I will not ſay whether I gave it to Sir William Howe; becauſe I don't recollect whether I made out a ſtate of the facts before the intended evacuation of Philadelphia; but I gave a paper to this amount to Sir Henry Clinton, and, I believe, to Mr. Eden and Governor Johnſtone.—But I am not certain whether I gave it to Sir William Howe or not.

Q. When Sir William Howe arrived off the mouth of the Delaware, were there any obſtructions to his landing below the Chevaux-de-frize, and above Bombay Hook?

A. There was no obſtruction that I know of.—There were no forts below the Chevaux-de-frize, nor any obſtruction, unleſs the water-guard, that lay above the Chevaux-de-frize, might be deemed an obſtruction.

Q. Were

Q. Were there, to your knowledge, any regular force in the province of Pennſylvania at that time?

A. There was none —I made particular enquiry of the inhabitants of Philadelphia and others.—I enquired of a gentleman who lived at Newcaſtle, and was on the ſpot.

Q. What was the diſtance between the Bite of Newcaſtle and the road leading from Elk Head to Philadelphia?

A. About ſeven or eight miles.

Q. Where was Mr. Waſhington's army at the time the King's fleet and army were off the Delaware?

A. They were in the Jerſeys.—I ſpeak to this from a particular enquiry from the inhabitants in Pennſylvania; and, from the beſt information I could get of Waſhington's army, they did not paſs the Delaware from Jerſey until about the 10th or 12th of Auguſt.

Q. When did the rebels paſs through Philadelphia?

A. I was informed that they paſſed through about the 23d of Auguſt.

Q. From whom had you that information?

A. I do not know it from my own knowledge, but from the general declaration of the people who were on the ſpot.

Q. Had you any communication with Sir William Howe, reſpecting his going up the Cheſapeak, and what communication?

A. After my return from Hillſborough to New York, I met on the road accidentally Lord Howe. From a converſation which paſſed between us, I ſuſpected that Sir William was

going with his fleet and army round to the Cheſapeak. I foreſaw the difficulties he would meet with, and was diſtreſſed at it. Inſtead of purſuing my journey to the city, I returned to my friend's, where I had lodged the night before, Mr. Foxcroft, Deputy Poſt-Maſter General of North America. I told him, that I apprehended Sir William Howe was going round to the Cheſapeak. I aſked him for pen, ink and paper. I put down in writing thoſe difficulties, which I thought Sir William Howe would meet with, and which he ought to be appriſed of. When finiſhed, I ſhewed them to Mr. Foxcroft, and he approved of them, and I reſolved to ſend them to Sir William Howe. I carried them to Capt. Montreſor, through whom I often communicated with the General. Capt. Montreſor, on peruſal, approved them alſo, and ſaid, he would cheerfully deliver them to the General. The difficulties I pointed out were in ſubſtance as follows.— The diſtance of the way round from the Hook to the head of Elk; the conſtant prevalence of the ſoutherly winds along the coaſt at that ſeaſon of the year. In order to induce Sir William Howe to prefer going up the Delaware to the Cheſapeak, I mentioned, that the diſtance from Newcaſtle to Lancaſter, where I apprehended he might be going after Waſhington's magazines, was nearly about the ſame, as the diſtance from the head of the Elk— that the country was more open, and the roads better; and that, ſuppoſing his object was the magazines at Lancaſter, his going up the Delaware would be an excellent cover to his deſigns,

ſigns, as the enemy would naturally conclude that Philadelphia was his object, and not thoſe magazines. Theſe, to the beſt of my recollection, were the difficulties and facts contained in the paper that I delivered to Capt. Montreſor. If I am miſtaken in any particular, it is from want of recollection, and Sir William Howe can ſet me right, as he had the paper. About eight or ten days after I had delivered the paper, Sir William Howe ſent for me by Capt. Montreſor, and aſked me, how I knew he was going to the Cheſapeak? I anſwered, I did not poſitively know it. He ſaid, I did, from the paper before him. I replied, the paper was not poſitive, but conditional, ſuppoſing he intended to go there. He then aſked, whether my objections reſted on the difficulties of the navigation of the Cheſapeak? I replied, they did not. I was a very little while with Sir William Howe, and I don't recollect any thing elſe that paſſed.

Q. When it was known in Philadelphia, that that city was to be evacuated, what effect had it on the minds of the inhabitants?

A. The inhabitants of that city, a very few excepted, were faithful and loyal ſubjects of the Crown; many of them had taken a very deciſive and active part on the behalf of the Crown--a meaſure of that kind could not fail, therefore, to ſtrike them with great diſmay and diſtreſs.

Q. Did you, or any other perſon, to your knowledge, apply to the Commander in Chief, upon this occaſion, for advice, reſpecting the

meaſures proper to be purſued for your perſonal ſafety, and what was the advice given?

A. Sir William Erſkine came down to me from Sir William Howe and Sir Henry Clinton, to give me notice, as ſuperintendant of the city, that it was to be evacuated. I ſent for the magiſtrates that were acting under me, immediately, to conſult them reſpecting our own ſafety, and that of the inhabitants, who had taken a deciſive part on behalf of the Crown. In our converſation, Mr. Schoemaker repeated what he had told me a few days before, that Sir William Howe had adviſed him to go over to Waſhington, and make his peace. It was natural for us to conſult together upon the conſequences of that advice, and we all reſolved not to follow it. However, we thought it neceſſary, as our ſafety was ſtill unprovided for (our lives being attainted, and all that we had in the world confiſcated), ſtill to know what was to become of us. The magiſtrates, therefore, requeſted I would wait on Sir William Howe on the occaſion, which I accordingly did immediately, when he gave us the ſame advice. I ſtarted a difficulty reſpecting the practicability of it; upon which he adviſed us to apply to Sir Henry Clinton to procure a flag to go out for that purpoſe. I returned to the magiſtrates, and reported what had paſſed; and we then ſeriouſly debated and conſidered among ourſelves, whether we ſhould follow the advice. One of the magiſtrates did not ſay ſo much on the ſubject as the two others did, which induced me to put the queſtion

ſingly,

ſingly, whether we ſhould follow the advice or not. I put it to the magiſtrate who had ſaid little firſt. His anſwer was immediately in the negative, and we unanimouſly agreed not to follow it. We however reſolved, before we parted, to communicate our circumſtances to Sir Henry Clinton, with the advice that was given to us, as we knew upon him, in a few days, the command of the army would devolve. I wrote a letter to Sir Henry Clinton, requeſting an interview upon a matter which highly concerned the magiſtrates and citizens of Philadelphia. Not receiving an anſwer from Sir Henry Clinton ſo ſoon as I expected, and Col. Innis, a confidential friend of Sir Henry Clinton, calling on me, I communicated the whole that I have mentioned to him, and requeſted he would ſpeak to Sir Henry Clinton on the occaſion. A good deal paſſed between us. He ſeemed alarmed that we ſhould be adviſed to go over to the enemy, and pointed out the conſequences that would attend it, and immediately offered to go to Sir Henry Clinton, and bring us an anſwer relative to our perſonal ſafety. He ſoon returned and informed me, that what he ſhould ſay I was not to underſtand as official from Sir Henry Clinton (he did not ſay ſo—but I underſtood, at the time, it was becauſe the command had not then devolved on Sir Henry Clinton), and informed me, that Sir Henry ſaid, he could not have granted a flag on ſuch an occaſion, had we requeſted it—that the game was not up—that the war was not over, but would ſtill be carried on vigorouſly, and deſired that we

would not entertain a thought of going over to the enemy.

Q. If the magiſtrates of Philadelphia had gone over to the Rebels, what effect would that meaſure have had in America?

A. If the magiſtrates of Philadelphia had gone over to the Rebels under that advice, it would certainly have had every pernicious effect.—The people in general would have believed what the Rebels at that time induſtriouſly propagated.—that the conteſt was given up, and that America was to be evacuated.—They would, or at leaſt great numbers of them would, have taken the oaths of allegiance, and abjuration to the States, and become their perfect ſubjects.

Q. Did you attend the army from Brunſwic to Trenton in 1776?

A. Yes.

Q. At what time did the army march from Brunſwic, and at what time did it arrive at Prince Town that day?

A. I lodged with General Vaughan the evening before, and underſtood the orders were to march at four o'clock.—The army did march very early; they arrived at Prince-Town about four o'clock in the afternoon.

Q. Where was Waſhington and his army at that time?

A. The main body of his army was at Trenton, a part at Prince-Town, and I believe a few advanced nearer to Brunſwic, to obſerve the motions of the Britiſh army.

Q. Had you information, which you had reaſon to believe, with regard to the time of

of

of Waſhington's leaving Prince-Town that day?

A. I was informed by ſeveral of the inhabitants of Prince-Town, and particularly by the gentleman with whom I lodged, that Waſhington had left it about an hour before the van of the Britiſh army arrived.

Q. At what hour the next morning did the army march from Prince-Town to Trenton, and at what time did the army arrive at Trenton?

A. To the beſt of my recollection, the army marched between eight and nine o'clock in the morning, and arrived at Trenton about three in the afternoon.

Q. Do you know what was General Waſhington's force at that time, and by what means do you know it?

A. I have ſaid before, that General Waſhington's force conſiſted at that time of about 3300 men.—A number of the inhabitants of Trenton made his force leſs; but Major Barnes, of the Provincial corps, who lived in Trenton at the time, and at whoſe houſe Waſhington took up his head-quarters, informed me, that by a return made to Waſhington the day before he paſſed the Delaware, his whole army, excepting Lord Sterling's brigade, amounted to 2900 men;—and Lord Sterling's brigade did not, at that time, amount to 400.

Q. Is it your opinion, that it was poſſible or not, to have overtaken General Waſhington's army before it had croſſed the Delaware?

A. I am no military man, and can ſpeak only to facts, which, as far as they go, I am ready

ready to anſwer.—Had Sir William Howe marched from Prince Town at four o'clock in the morning as he did from Brunſwic, or at three o'clock, as he did from Philadelphia, to White Marſh, he certainly would have been at Trenton four or five hours ſooner than he was. —Waſhington's laſt boat, in which he carried over his army, had not reached the oppoſite ſhore, when the van of the Britiſh army arrived at Trenton.

Q. How far is it from Prince Town to Trenton?

A. Twelve meaſured miles.

Withdrew.

Veneris, 18° *die Junii*, 1779.

COMMITTEE on PAPERS preſented by Mr. DE GREY, the 19th of March laſt, purſuant to Addreſs.

Mr. MONTAGU in the Chair.

JOSEPH GALLOWAY, Eſq; called in, and examined by ſeveral Members of the COMMITTEE.

Q. WHETHER, in your opinion, the river Delaware might have been croſſed by Sir William Howe when he came down to Trenton with the army, and your reaſons for that opinion?

A. There does not appear to me to have been any difficulties to have prevented the Britiſh army from paſſing the Delaware in December 1776, when Sir William Howe was at Trenton.—I have ſaid, that Waſhington's force was but ſmall. The river Delaware, in and about Trenton, is from 3 to 400 yards

wide.—At a place called Bond's Ferry, about two miles below Trenton, I think the diſtance acroſs the river is very near 300 yards.—The ground at the place I have mentioned (Bond's Ferry) is high, and perfectly commands the ſhore on the oppoſite ſide, far beyond cannon ſhot.—Under theſe circumſtances, I know of no difficulty except that of the want of boats or pontoons.—I had a converſation with Captain Montreſor.

Objection being taken to Mr. Galloway's *giving an account of this converſation, he was ordered to withdraw.*

Again called in.

Q. Had you any occaſion to examine particularly into the practicable means of paſſing the river?

A. The converſation I intended to have mentioned, was only as introductory to a moſt material fact, which was, that, at Captain Montreſor's requeſt, I did enquire, whether there were any materials in or about Trenton, with which pontoons, boats, or rafts might be conſtructed; and I found 48,000 feet of boards, a quantity of iron, and there was timber enough about Trenton for that purpoſe.

Q. Did you find boats or ſchoughs?

A. I did;—there were two boats in a mill pond, at a little diſtance from Trenton.—I did not ſee them, but they were reported to me to be there.

Q. How many men would thoſe boats carry at a time?

A. I underſtood from fifty to ſixty men a-piece.

Q. In

Q. In what time, from the information you got, did you underſtand that a bridge might be made to paſs the river?

A. I am not competent to anſwer that queſtion from my own judgment, and I made no enquiry reſpecting it.

Withdrew.

Called in again.

Q. Did you ſee the boards you mentioned?

A. I did not.

Q. When the Britiſh troops took poſſeſſion of the Jerſeys, were any proclamations iſſued, or meaſures taken to conciliate the minds of the people to the Britiſh Government?

A. There was a proclamation; I underſtood it was iſſued when Sir William Howe was in the Jerſeys; I met with it at Brunſwic. I really cannot be certain as to the date.—By this proclamation, a pardon was offered to all ſuch of the inhabitants as ſhould come in and take the oath of allegiance to the crown, with a promiſe or engagement to protect them in their perſons and properties.

Q. In what manner were the inhabitants treated by the Britiſh troops after they received their protections?

A. Many of them, by far too many, were plundered of their property while they had their written protections in their hands, or in their houſes.—Friends to Government, and thoſe diſaffected to Government, ſhared the ſame fate in a great variety of inſtances.

Withdrew.

Again called in.

Q. Was that laſt anſwer given from your own knowledge?

A. From my own knowledge.

Q. By whom were ſuch inhabitants plundered after they had received their protections?

A. By the Britiſh and Heſſian troops.

Q. To your own knowledge?

A. I ſhould be happy if the Committee would let me explain myſelf.—It may be expected, that I ought not to anſwer, to my own knowledge, unleſs I ſaw the fact committed. —That I did not, and yet I can aſſign ſuch reaſons, I think, as will juſtify me in ſaying—to my own knowledge.—The people plundered have come to me recently from the fact, with tears in their eyes, complaining that they were plundered of every thing they had in the world, even of the pot to boil their victuals.—I myſelf drew a memorial to Sir William Howe, in behalf of a friend to Government, who had been plundered of many thouſands in Madeira wine;—that memorial was preſented,—the determination of it was referred to General Robertſon, whether the perſon ſhould be paid for the wine or not (the perſon was Mr. Sharp of New York). This was ſettled, and I have reaſon to know of many other memorials that were preſented on the like occaſions.—I have ſeen them before they were preſented;—and as to the fact of the plunder, many affidavits were taken on that occaſion by the enemies to Government,

vernment, which affidavits were publiſhed throughout all America *.

Withdrew.

Again called in.

Q. Was you with the army when they marched from Brunſwic to Hillſborough?

A. I was.

Q. Do you know of any roads leading round Mr. Waſhington's camp at Middle Brook, on the North, by which Sir William Howe might have paſſed round between him and the Delaware and his magazines?

A. I never paſſed the road from Brunſwic to Middle Brook †.

Q. Where were Waſhington's magazines at the time you were in the camp at Middle Brook?

A. His artillery magazine was at Norrington, about fifteen miles from Philadelphia.—The magazines of proviſions were at Lancaſter,

* Whoever wiſhes to be fully ſatisfied in reſpect to the indiſcriminate plunder and wanton deſtruction of property committed by the Britiſh ſoldiery, in the county of Weſt Cheſter, in the province of New York, and in the towns of Newark, Elizabeth-Town, Woodbridge, Brunſwic, Kingſton, Prince Town, and Trenton in New Jerſey, are referred to the Pennſylvania Evening Poſts of the 24th and 29th of April, 1ſt, 3d, and 10th of May 1777.

† The chart of New Jerſey will ſhew, that there is a road leading from Brunſwic to Bound Brook, and from thence to Eaſton; and it is known, that in that part of the country, which is full of plantations, there are many roads leading round Waſhington's camp on his right and left, in which there can be no doubt but Sir William Howe might have paſſed with his army even to the Delaware. With theſe facts he could not be unacquainted, as the Surveyor of the diſtrict in which Waſhington was encamped, was at the time with the Britiſh army.

Manheim, Carliſle, Lebanon, and I believe ſome at Reading—all in Pennſylvania.—I ſpeak from accounts brought to me at New York, which I gave to Captain Montreſor.

Q. Could General Waſhington, in your opinion, in caſe General Howe had croſſed the Delaware, have remained in the Jerſeys when his magazines were in the places you have mentioned?

A. He certainly might if he had choſe it, and had determined to abide the conſequences which might have attended the loſs of his magazines *.

Q. Do you apprehend he might have maintained his army with proviſions and ſtores without thoſe magazines?

A. Not in any ſhort time.

Q. Were there any preparations made by General Howe for croſſing the Delaware at or before his march to Hilliſborough, and what were they?

* Had Waſhington remained in the Jerſeys, and permitted Sir William Howe to have paſſed into Pennſylvania without giving him battle, his magazines of military ſtores and proviſions muſt have been loſt, if Sir William Howe had choſen to have taken them.—Philadelphia muſt have fallen into his hands, and the whole province ſubmitted.—It is therefore not to be preſumed, that Waſhington would have been ſo deſtitute of regard for his own intereſt, as not to have either fought the Britiſh army in Jerſey, or have left his ſtrong poſt, as it is called, and paſſed over the Delaware with a view to the defence of objects upon which the force and exiſtence of his army ſo materially depended. For theſe he fought at Brandy Wine in Auguſt, and for theſe he muſt have fought in New Jerſey or Pennſylvania in June, or loſt them.

A. There

A. There were a number of pontoons built at New York; a number of flat-bottomed boats prepared and put upon carriages;—theſe were carried to Brunſwic; taken out of the water and put upon carriages at Brunſwic—they were not carried to Hillſborough, but left at Brunſwic.

Q. Do you know whether the Delaware is fordable above or below Trenton?

A. In the ſummer, it is fordable in a great variety of places.—In June, July, Auguſt, September, and October, the paſſage over is interrupted occaſionally only by heavy rains.—The freſhes in the Delaware generally ſubſide in four or five days after the rain ceaſes.

Q. Were there any particular circumſtances to make you ſuppoſe it was not fordable at that time?

A. Whether the rain, while we were at Hillſborough, made it unfordable or not, I cannot tell.

Q. Have you had your pardon?

A. I have not.

Here the witneſs was interrupted, and ordered to withdraw.

Again called in, and proceeds in his anſwer to the laſt queſtion.

A. I did not apprehend, and I am perfectly conſcious in my own mind, that I have never done any thing that requires a pardon. I beg that I may have an opportunity, in a brief manner, of explaining my conduct in Congreſs—and then I will proceed to ſhew that a pardon was denied, as unneceſſary.—I went into Congreſs at the earneſt ſolicitation of the Aſſembly of Pennſylvania.—I refuſed to go, unleſs they would

would ſend with me, as the rule of my conduct, inſtructions agreeable to my own mind;—they ſuffered me to draw up thoſe inſtructions;—they were briefly, to ſtate the rights and the grievances of America, and to propoſe a plan of amicable accommodation of the differences between Great Britain and the Colonies, and of a perpetual union; I ſpeak now from the records of Pennſylvania, where theſe inſtructions are. Upon this ground, and with a heart full of loyalty to my Sovereign, I went into Congreſs,—and from that loyalty I never deviated in the leaſt. I propoſed a plan of accommodation in the Congreſs, agreeable to my inſtructions;—ſome of the beſt men, and men of the beſt fortunes, eſpouſed the plan, and drew with me.—It was propoſed and debated a whole day, and carried upon the queſtion, ſix Colonies to five, that it ſhould be reſumed and further conſidered.—I have in my hand the introductory reſolve of Congreſs in my own writing, which identically was delivered by me in Congreſs.—It is indorſed in the hand of Charles Thompſon, the then and preſent Secretary to the Congreſs.—The introductory reſolve is but ſhort, and I will, therefore, for the information of the Committee, and in vindication of my own reputation, beg leave to read it.

He read it as follows:

" *Indorſed*, " Mr. J. GALLOWAY's Motion" 28th Sept. 1774."

" *Reſolved*,

" That this Congreſs will apply to his Majeſty for a redreſs of grievances, under which his

his faithful ſubjects in America labour, and aſſure him, that the Colonies hold in abhorrence the idea of being conſidered independent communities on the Britiſh Government, and moſt ardently deſire the eſtabliſhment of a political union, not only among themſelves, but with the Mother State, upon thoſe principles of ſafety and freedom which are eſſential in the conſtitution of all free Governments, and particularly that of the Britiſh Legiſlature. And as the Colonies, from their local circumſtances, cannot be repreſented in the Parliament of Great Britain, they will humbly propoſe to his Majeſty and his two Houſes of Parliament the following Plan, under which *the ſtrength of the whole empire may be drawn together on any emergency, the intereſt of both countries advanced, and the rights and liberties of America ſecured.*"

I beg further to obſerve, before I read the Plan, that my great object was to prevail on the Congreſs to take the ground of accommodation, and to avoid that of arms; and therefore, in forming the plan, I omitted ſeveral things that I thought might obſtruct their taking that ground. I do not, therefore, propoſe it as a perfect plan, nor altogether as a plan of my judgment.

Withdrew.

Called in again, and proceeds.

The reaſon why the plan was not altogether to my judgment was, becauſe I thought it would admit of ſome very material additions, and not that I diſapproved of the plan as far as it went.

Reads the Plan, as follows:

" *A* PLAN *of a propoſed* UNION *between* Great Britain *and the Colonies of* New Hampſhire, *the* Maſſachuſet's Bay, Rhode Iſland, Connecticut, New York, New Jerſey, Pennſylvania, Maryland, *the three Lower Counties on the* Delaware, Virginia, North Carolina, South Carolina, *and* Georgia.

" THAT a Britiſh and American legiſlature, for regulating the adminiſtration of the general affairs of America, be propoſed and eſtabliſhed in America, including all the ſaid Colonies, within and under which government each Colony ſhall retain its preſent conſtitution, and powers of regulating and governing its own internal police in all caſes whatever.

" That the ſaid Government be adminiſtered by a Preſident General to be appointed by the King, and a Grand Council to be choſen by the Repreſentatives of the people of the ſeveral Colonies in their reſpective Aſſemblies, once in every three years.

" That the ſeveral Aſſemblies ſhall chuſe Members for the Grand Council in the following proportions, viz.

New Hampſhire,	Delaware Counties,
Maſſachuſet's Bay,	Maryland,
Rhode Iſland,	Virginia,
Connecticut,	North Carolina,
New York,	South Carolina,
New Jerſey,	Georgia.
Pennſylvania,	

who ſhall meet at the city of for the firſt time, being called by the Preſident General, as ſoon as conveniently may be after his appointment.

" That there ſhall be a new election of members for the General Council every three years; and on the death, removal, or reſignation of any member, his place ſhall be ſupplied by a new choice at the next ſitting of the Aſſembly of the Colony he repreſented.

" That the Grand Council ſhall meet once in every year, if they ſhall think it neceſſary, and oftener if occaſion ſhall require, at ſuch time and place as they ſhall adjourn to at the laſt preceding meeting, or as they ſhall be called to meet at by the Preſident General, on any emergency.

" That the General Council ſhall have power to chuſe their own Speaker, and ſhall hold and exerciſe all the like rights, liberties, and privileges as are held and exerciſed by and in the Houſe of Commons of Great Britain.

" That the Preſident General ſhall hold his office during the pleaſure of the King; and his aſſent ſhall be requiſite to all acts of the Grand Council, and it ſhall be his office and duty to cauſe them to be carried into execution.

" That the Preſident General, by and with the advice and conſent of the General Council, hold and exerciſe all the legiſlative rights, powers, and authorities, neceſſary for regulating and adminiſtering all the general police and affairs of the Colonies, in which Great Britain and the Colonies, or any of them, the Colonies in general, or more than one Colony,

are in any manner concerned, as well civil and criminal as commercial.

"That the ſaid Preſident General and Grand Council be *an inferior diſtinct branch of the Britiſh Legiſlature, united and incorporated with it* for the aforeſaid general purpoſes, and that any of the ſaid general regulations may originate, and be formed and digeſted, either in the Parliament of Great Britain or in the ſaid Grand Council, and being prepared, tranſmitted to the other for their approbation or diſſent; and that the aſſent of both ſhall be requiſite to the validity of all ſuch general acts or ſtatutes.

"That in time of war, all bills for granting aids to the Crown, prepared by the Grand Council, and approved by the Preſident General, ſhall be valid, and paſſed into a law, without the aſſent of the Britiſh Parliament."

Under the circumſtances of my whole conduct, as well in Congreſs as out of it, I did not apprehend, that I had done any one act that required a pardon; and yet, as I was a member of that Congreſs, I did apply to the then acting Secretary of the Commiſſioners, and tendered myſelf to comply with the Proclamation, by taking the oath of allegiance, and thereupon to receive a pardon *.

Q. What

* The plan propoſed by Mr. Galloway gave the independent faction much uneaſineſs, as they ſaw it contained the great outlines of an union with Great Britain, which were approved of and ſupported by a conſiderable majority of the gentlemen of abilities, fortune, and influence, then in Congreſs; from whence they juſtly concluded it would be agreeable to the people at large; and, ſhould it be adopted

Q. What year was it you tendered yourſelf?

A. I think it was in January, 1777. I was told by Mr. Searle, who was the Secretary, that

adopted as the ground of reconciliation, their ſcheme of Independence would be totally fruſtrated. Mr. Adams and his party left no means in their power uneſſayed, to prevail on the members of Congreſs to reject it on the ſecond reading, and leſt this ſtep ſhould fail of ſucceſs, to incenſe the mob in Philadelphia againſt it. At this time, the minds of the lower ranks of people in Philadelphia, who were governed in a great degree by Mr. Adams, being prepared for the moſt violent meaſures, Mr. Galloway and his friends thought their perſonal ſafety depended on not renewing the motion. But this did not ſatisfy the violent party in Congreſs. Conſcious that it would be approved of by the people at large, if publiſhed, and believing that Mr. Galloway would not venture to make it public, they procured a majority, who ordered it, with the introductory motion, to be eraſed from their Minutes. However, after the Congreſs broke up, much pains being taken to traduce the conduct of Mr. Galloway, he thought it neceſſary, at all events, to vindicate his injured character, by ſtating the rights of both countries, upon the ground, and from the arguments he made uſe of in the Congreſs. This vindication, with the uniform and indefatigable oppoſition which he gave to every violent meaſure tending to a ſeparation of the Colonies from Great Britain, will appear in two pamphlets, entitled, "A candid Examination of the mutual Claims of Great Britain and the Colonies, with a Plan of Accommodation on conſtitutional Principles;" and "A Reply to an Addreſs to the Author of a Pamphlet, entitled, A candid Examination, &c."

Immediately after this Congreſs was diſſolved, Mr. Galloway publiſhed his plan in the firſt mentioned pamphlet, and gave to the people the following account of his conduct. "In order to prevail on the Congreſs to deſert their ſcheme of Independence, and to purſue thoſe meaſures for reſtoring the rights of America which carry with them a proſpect of ſucceſs, he propoſed a plan of union between the two countries, which would have reſtored to the Coloniſts the full enjoyment of their rights. He waited firſt, with patience,

that he would not give a pardon, becauſe it was not neceſſary. I deſired he would mention it to Lord Howe. I ſaw him a few days after, and applied again for a pardon. I received

tience, to ſee whether any ſcheme of union would be adopted by the Congreſs, determined to unite with them in any meaſure which might tend *to a reconciliation*; but he waited in vain. And when he found them bewildered, perpetually changing their ground, taking up principles one day, and ſhifting them the next, he thought it his duty, however little the proſpect of ſucceſs, to ſpeak his ſentiments with firmneſs, and to endeavour to ſhew to them the true line of their duty. And after proving *the neceſſity of a* SUPREME *authority over every member of the ſtate*, tracing the rights of the Colonies to their origin, and thence ſhewing the neceſſity of an union with the Mother-State, he introduced the plan with the reſolve which precedes it; but declared, that he was ſenſible it was not perfect—that knowing the fundamental principles of every ſyſtem muſt be firſt ſettled, he had, to avoid perplexity, contented himſelf with only laying down the great outlines of the *union*; and ſhould they be approved, he had ſeveral propoſitions of leſſer conſequence to make, in order to render the ſyſtem more complete. The plan being read, and warmly ſeconded by ſeveral gentlemen of the firſt abilities, it was referred, for further conſideration, by a majority of the Colonies. Upon this promiſing aſpect of things, he was led to ſign the Non-importation agreement, *although he had uniformly oppoſed it.*" See page 51, 52.

The efforts of this gentleman in Congreſs, to prevail on them to deſert their views of Independence, being fruſtrated, he returned to the Aſſembly, where he was again unanimouſly elected to the chair; but he refuſed it, wiſhing to be on the floor to ſpeak to meaſures he had reſolved to propoſe in that body. Theſe were, that they would take the ground of negociation, not of arms—to diſapprove of the proceedings in Congreſs, and to withdraw their Delegation from it. The firſt and ſecond he carried on a diviſion 18 to 14, and the third he loſt by a ſingle vote only, occaſioned by ſeveral falſe and ſeditious letters, written by the diſaffected in this country, which unfortunately arrived *on* the morning before the queſtion was put. Notwithſtanding this conduct,

ceived the ſame anſwer, that he would not give me one, becauſe it was not neceſſary.

Q. Is Mr. Searle a barriſter at law, and what office was he in?

A. I don't know whether he is a barriſter; he was acting Secretary to the Commiſſioners, and was granting pardons.

Q. Did you ever apply to Lord, Sir William Howe, or Mr. Strachey their Secretary, on that ſubject?

A. Not perſonally. I thought two applications to the acting Secretary were ſufficient.

Q. Are you not of the profeſſion of the law?

A. I am.

Q. Did you think that Mr. Searle under-

conduct, the ſame Aſſembly unanimouſly appointed him, when abſent, again to repreſent them in the next Congreſs. On his ſeeing the minute, he informed the Houſe he would not ſerve them in that capacity, and inſiſted they ſhould eraſe the appointment; but ſuch was their confidence in him, and hope that he would change his reſolution, they could not be prevailed on to do it, although he declared, if it would be decent, and the minute was in his power, he would eraſe it himſelf.

After he found theſe exertions to ſtem the torrent of violence in vain, he retired to his ſeat in Bucks, where he remained ſeveral months in the utmoſt danger from mobs raiſed by Mr. Adams to hang him at his own door; but theſe were ſuppreſſed by the vigilance and affection of his friends in the city.

Soon after, the Congreſs being deſirous to gain him over to their meaſures, and hoping that his danger might induce him to change his conduct, Dr. Franklin came up to him in Bucks, and earneſtly ſolicited he would join in their meaſures; but, unalterably fixt in his duty to his ſovereign, he refuſed, determined to abide the conſequences, however diſaſtrous they might prove to himſelf and his family.

ſtood

ſtood the nature of your proceedings in Congreſs better than yourſelf?

A. I imagine he did not; nor do I think a perſon being in an aſſembly of people (if I underſtand any thing of the law), which aſſembly does an illegal act, and that perſon does not aſſent, but objects to it (as all guilt muſt originate in the mind), is guilty; and I believe no authorities of the law will juſtify a contrary doctrine.

Q. Have you not ſigned the Aſſociation?

A. I did—and I will give my reaſons. I did it on the ground of preventing the Congreſs from proceeding to more violent meaſures; and even when I conſider that Aſſociation, if this was a proper place to reaſon on the ſigning of it, I think there was no degree of guilt in it.

Q. Does not that Aſſociation begin with a declaration, purporting, that the ſituation of American affairs was unhappy, and that it was occaſioned by a ruinous ſyſtem of colony adminiſtration, adopted by the Britiſh Miniſtry about the year 1763, evidently calculated for enſlaving the Colonies, and with them the Britiſh empire—that acts were paſſed for depriving the American ſubjects of the conſtitutional trial by jury, expoſing their lives to danger by a new and illegal trial; and that the Quebec Act for the eſtabliſhment of arbitrary government, diſcouraging the ſettlement of the Britiſh ſubjects in that country, and to diſpoſe the inhabitants to act with hoſtility againſt the free proteſtant Colonies, whenever a wicked miniſtry ſhould chooſe to direct them?

A. I declare to this Committee, I don't know whether that was in the Aſſociation or not.—I have never read the Aſſociation ſince I ſigned it, which was near five years paſt, I liked it ſo little.

Q. Did you read it before you ſigned it?

A. I did not read it before I ſigned it, but it was read to me, or elſe I could not have ſaid I diſliked it.

Q. You ſigned it notwithſtanding?

A. I did ſign it notwithſtanding, and I have given my reaſons for it *.

Q. Did it not contain an agreement, not to import from Great Britain into America the goods which might legally have been imported, or to export thoſe which might legally have been exported to Great Britain?

A. The ſubſtance of the Aſſociation is really out of my mind.—I ſuppoſe it did.—I am ready to anſwer all queſtions, although they may tend to criminate myſelf, if the Committee approve of it.

Q. Whether this Aſſociation did not contain a reſolution that they would never have any connection with any merchant that made ſuch importation or exportation?

* Many of the introductory ſentiments contained in the aſſociation agreement were uſed by the Congreſs on various other occaſions.—Mr. Galloway muſt have a very tenacious and extenſive memory to have recollected particular ſentiments contained in a particular paper, which he had not read in the courſe of five years. If he had recollected that the clauſes mentioned in the queſtion were in the agreement, he could have no motive to deny it, as he knew the agreement muſt prove whether they were in it or not.

A. I don't recollect any one particular article of the Aſſociation. If the honourable Member will give me the paper in his hand, which I ſuppoſe contains the Aſſociation, I will inform him.

Q. Whether that Aſſociation was not to continue until ſeveral acts of parliament were repealed?

A. It is very probable it might.—I don't recollect when the Aſſociation expired, nor the terms upon which it was to expire.—The Aſſociation is a public paper, and will ſpeak for itſelf.

Q. Do you think, if ſuch reſolutions be contained in the Aſſociation, they are agreeable to law?

A. I am ready to ſubmit to the deciſion of the law, with reſpect to that matter, whenever I am called upon.

Q. Did you not ſit in the Committee of Grievances?

A. I ſat in the Grand Committee that were appointed to ſtate the grievances, and propoſe the Plan of Accommodation with Great Britain. —It was one Committee.

Q. Did not that Committee come to a reſolution that three ſtatutes, viz. The Boſton Port Bill, the Maſſachuſet's Charter Bill, and the Act for the Impartial Adminiſtration of Juſtice, are impolitic, unjuſt, and cruel, as well as unconſtitutional, and moſt dangerous and deſtructive of American rights?

A. They did, I believe, but not with my approbation; becauſe I thought then, and think ſtill,

ſtill, there were ſufficient grounds for making thoſe acts.

Q. Did you declare that in Congreſs?

A. I don't know that I did—I do not recollect.—It is very poſſible I might;—for I did in Congreſs things equally diſagreeable to the violent party—inſomuch that they ſent me a halter, with a letter attending it, threatening to put me to death if I did not make uſe of it.—— This much I can ſay, that there was no violent meaſure propoſed in it, that I did not oppoſe, and to which I did not inſiſt upon leave to enter my proteſt, which was denied me.

Q. Who ſent that halter and its accompaniments? Was the letter ſigned by Charles Thompſon, Peyton Randolph, or by any other Member of Congreſs?

A. I don't know poſitively who ſent it; it was ſome infamous aſſaſſin, I preſume, on the part of the violent part of the Congreſs.—It was reported that two Members of the Congreſs were concerned in it; but as I don't know the fact, I don't mention their names.—The letter was anonimous.

Q. Do you know that you offered your proteſt on that queſtion of the reſolves concerning the three ſtatutes?

A. I don't remember that particularly, more than in the courſe of the other parts of my conduct.

Q. Do you remember that the Congreſs came to a reſolution, that the dutiful, humble, loyal, and reaſonable petitions of their Aſſemblies to the Crown for redreſs have been repeatedly

treated with contempt by his Majeſty's Miniſters of State?

A. I really don't recollect that they came to ſuch a particular reſolution.—Poſſibly they might, and it is very probable they did.—I have not read over the proceedings of Congreſs ſince I left it.

Q. Did they come to a reſolution, that the keeping a ſtanding army in the colonies in time of peace, without the conſent of the Legiſlature of that colony in which ſuch army is kept, is againſt law?

A. They did.—I remember it.

Q. Do you think that is agreeable to law?

A. I have no delicacy in anſwering that queſtion.—But, as a lawyer, I would wiſh to conſider queſtions of law before I give an opinion.—I ever made it my practice in matters of much leſs conſequence than the preſent.

Q. Did you in that queſtion vote before you had conſidered it?

A. I imagine not.—I muſt have conſidered it in the courſe of the debate.

Q. Have you forgot what you thought of it at that time; whether you then conſidered it as a true or a falſe propoſition?

A. I really don't recollect what I thought of it; and I ſhould wiſh to conſider it before I give my opinion now: was it propoſed to me out of this Houſe, with a fee for my advice, I ſhould chooſe to reconſider it.

Q. Whether the ten reſolutions come to by the Congreſs in conſequence of a report from the Grand Committee, which they demanded as

their

their indubitable rights and liberties, are not entered in the journals as being paſſed *Nemine Contradicente?*

A. I don't recollect, at this time, how they were entered; but this I know, that many reſolutions of Congreſs, when they were publiſhed, I found them entered unanimouſly, and *Nemine Contradicente*, when they were not ſo as to the individual Members.—The votes of the Congreſs were taken by colonies; ſome of the colonies were repreſented by nine Members; ſome by ſeven; ſome by five; and ſome by three; and whenever a majority of the Members, repreſenting a colony, was for a queſtion, it counted one; although four out of the nine were expreſsly againſt the queſtion; and when all the colonies gave a vote in this way in the affirmative or negative, it was entered unanimouſly, or *Nem. Con.*; although in ſome inſtances there were one-third of the Members preſent againſt the queſtion carried.

Q. Do you recollect that theſe ten reſolutions, which were conſidered by the Congreſs as their Bill of Rights, met with any conſiderable oppoſition?

A. They did meet with a very conſiderable oppoſition.—The Committee ſat near three weeks. The gentlemen who drew with me in oppoſition perplexed the propoſals made by the violent party, as we acted entirely on the defenſive;—ſo that they did not come to a ſingle reſolution for better than a fortnight, neither in ſtating their rights or their grievances.—And, as well as I can recollect, the Grand Committee did not determine on thoſe reſolutions.—To the beſt

beſt of my knowledge, the Committee was diſſolved before they were voted, and that owing to the oppoſition theſe reſolves met with.

Q. Did you give any conſiderable oppoſition to thoſe reſolutions, on the report, to the whole, or to which of them?

A. I have not one ſingle one of them in my memory now; ſo I cannot ſay which I oppoſed, and which not.

Q. Did you oppoſe any of them on the report?

A. I did make an oppoſition to ſome of them, I make no doubt, but I can't ſay which.

Q. Are you poſitive you made any oppoſition to any of them?

A. If I could ſee the ten reſolutions, I could anſwer—otherwiſe not.

[*He looks over the reſolutions in a printed book.*]

I oppoſed the 1ſt and the 4th.—The 2d and 3d I don't recollect.—The 5th I did not, nor the 6th.—The 7th I don't recollect.—The 8th I muſt have oppoſed.—I was of a contrary opinion to the 9th, and believe I oppoſed it.—As to the 10th, I don't recollect.

Q. Are they not all great fundamental points concerning the principles of the Britiſh conſtitution, which you as a lawyer muſt have frequently conſidered?

A. I may have conſidered them, but I don't know how frequently.

Q. Did not you think yourſelf particularly called upon at that time ſeriouſly to attend to them?

A. I did attend to them at that time.

Queſtion

Queſtion repeated.

A. I don't know whether that idea entered into my head at that time; I don't doubt but that I did think of them; but I am ſpeaking of very particular tranſactions that paſſed five years ago.

Q. Did not the Congreſs come to a reſolution approving the oppoſition made by the inhabitants of Maſſachuſet's Bay to the execution of the late Acts of Parliament; and that if the ſame ſhould be attempted to be carried into execution by force, all America ought to ſupport them in their oppoſition?

A. I remember a reſolution to that amount.

Q. Did you oppoſe it?

A. I did oppoſe it; and I recollect particularly, I inſiſted in Congreſs, that they ſhould ſuffer me to enter my proteſt.—Another Member (Mr. Duane) joined me in it.—There was a long debate, and we were over-ruled.—We then inſiſted, that our motion for proteſting ſhould be entered on the minutes—with their negative.—It was refuſed; on which Mr. Duane and myſelf, when we returned from Congreſs, gave each other a certificate, declaring our oppoſition to that queſtion, as we thought it a treaſonable one.

Q. Did you continue to attend Congreſs after?

A. I did;—but propoſed to Mr. Duane to leave the Congreſs, and conſulted my friends out of doors, reſpecting my perſonal ſafety if I did.—Could I have prevailed on him to have left the Congreſs with me, or had not my friends unanimouſly adviſed me that my perſo-

nal ſafety would be in danger—I ſhould certainly have left the Congreſs.—The city of Philadelphia, on the arrival of that reſolve, was thrown into great confuſion and diſorder—the violent party inſiſting that it ſhould be carried into execution; ſo that we were in great danger from our oppoſition.

Q. Was not there a reſolution paſſed, entered *unanimouſly*, that every perſon acting under the authority of the Maſſachuſet's charter act ought to be held in deteſtation and abhorrence by all good men, and conſidered as the wicked tools of that deſpotiſm which is preparing to deſtroy thoſe rights which God, nature, and compact had given to America?

A. I believe there was ſuch a reſolution, but I don't know how it was entered.

Q. Did you oppoſe it?

A. I certainly did.

Q. Was not there a letter of Congreſs directed to be wrote to the people of England?

A. Yes.

Q. Did you conſent to that letter?

A. I did not; nor to the letter to the people of Ireland; nor to any of the general letters that were wrote at that time.

Q. Did you conſider the Congreſs as a full and free repreſentation of the colonies *?

A. I

* Whoever forms an opinion of the diſpoſitions of the people in the revolted colonies, from the meaſures of the Congreſs, does it on very miſtaken principles. The minds of the people in general were peaceable and loyal; the meaſures of the Congreſs were violent and rebellious. Theſe truths are evident from the proceedings of the people and the records of the Congreſs. It appears that the inſtructions given by

A. I did not.

Q. Was you freely choſen?

A. I was

by the people who appointed the Congreſs, were only to ſeek for redreſs of grievances, and an union between the two countries, and not to take up arms in order to eſtabliſh independence. They amounted to a prohibition againſt all *illegal meaſures*, eſpecially ſuch as tended to diſunite Great Britain and America. The Congreſs, therefore, manifeſtly violated their truſt, and acted againſt the ſenſe of the people who choſe them.

Neither the firſt or any ſubſequent Congreſs can, in any ſenſe of the words, be deemed "a full and free repreſentation of the people." In the firſt, the Delegates of four Colonies only were appointed by the Aſſemblies, viz. thoſe of Maſſachuſett's, Connecticut, Rhode Iſland, and Pennſylvania, and theſe Aſſemblies had no authority from the people to make ſuch appointment. They were choſen for other purpoſes, and before a Congreſs was thought of. And as the right of delegating their power was not included in the conſtitution of their bodies, they not only acted illegally, but without the conſent of their conſtituents. Theſe Delegates, therefore, could not be the repreſentatives of the people of their reſpective Colonies. And as to the other Delegates who were appointed by the conventions, and in diſtricts by the people; it is well known in America, that they were not the repreſentatives in many diſtricts of one hundredth, and in none, even in the moſt zealous and violent, of a tenth part of the legal voters; and we have ſeen in the King's County, where there are not leſs than 1000 voters, the Delegate was appointed by one perſon only.

The other Congreſſes have not been a more perfect repreſentation of the people than the firſt. The people having diſcovered at length the deſign and perfidy of their rulers, and experienced the ſevereſt oppreſſion and diſtreſs under their government, as well as all the calamities of war, and dreading the conſequences of the unnatural alliance with France, have very generally declined giving the leaſt aid and countenance to their meaſures, and withdrawn themſelves from having any ſhare in their appointments; and being diſarmed, have left it to a few violent men, who with arms

A. I was choſen a Member of the Aſſembly of Pennſylvania, and they appointed me a Delegate to the Congreſs.—After the inſtance I gave the other night of two men in a large diſtrict meeting together, and one of them appointing the other a Delegate in Congreſs, and that Member being admitted in Congreſs, I can hardly think, that the Congreſs was a perfect and complete repreſentation of the Colonies.

Q. In what province do you ſpeak of?

A. Of New York.

Q. Who was the perſon?

A. Mr. Boerum.

Q. Do you know that of your own knowledge?

A. I was not on the ſpot, but I had it from almoſt all the Delegates of New York.

Q. Were the other Delegates ſo choſen at New York?

A. They were not.

Q. Do you know of another inſtance of ſuch a choice?

in their hands, deprive them of all freedom of judgment. Hence we have ſeen, from a preceding part of this examination, that the Members of the whole rebel ſtate of that Colony, and its Members of Congreſs for the year 1778, have been appointed by leſs than one hundred and fiftieth part of the people. In the province of New York, at an election of the Rebel Governor, who was warmly oppoſed by another candidate, there were not 1000 voters attended, altho' all in that large Colony had a right to join in the appointment. And the ſame averſion to ſupport the preſent ſyſtem of independence, has appeared in the conduct of the people in all the other Colonies.

A. There

A. There were ſeveral inſtances where very few people met, compared with the numbers in the diſtrict.

Q. Do you ſpeak of the firſt Congreſs in which you ſat?

A. I do.

Q. What counties were there?

A. In the province of New York, as well as I recollect, the Delegates of the city of New York were appointed by the Convention of the city of New York.—The counties and diſtricts ſent others; ſo that, if I don't forget, there were more Members from that province than any other.

Q. But they had no more than one vote?

A. I have anſwered that before;—they had but one vote.

Q. Was that the caſe in the province of Pennſylvania—that they were not duly elected?

A. No;—when the Aſſembly of Pennſylvania were choſen, which was near eleven months before the Congreſs ſat, the people had no idea of a Congreſs in their minds.

Q. Was the election a fair one in that Aſſembly?

A. It was received as ſuch by the Aſſembly, and I believe it was.

Q. Do you know any inſtance out of the Colony of New York, of perſons elected by a very few?

A. The Delegates of the Maſſachuſet's Bay were choſen much in the ſame manner as thoſe of New York; but it being a great diſtance from where I reſided, I do not know what number attended their elections.

Q. Do you know that they were not fairly elected, and by great numbers of people?

A. I have no knowledge about it, as I never enquired into it, nor heard of it.

Q. Do you recollect what perſons the militia of Pennſylvania, and other provinces with which you are acquainted, conſiſted of in 1774 and 1775?

A. There was no militia in Pennſylvania in 1774.—In 1775, there was;—they conſiſted of a very ſmall part of the province of Pennſylvania.—The people took up arms with great reluctance in that province.—I think the militia of Philadelphia, where there are near 30,000 ſouls, never amounted to above 15 or 1600; and in the whole county of Bucks, they were ſhort of that number.—I do not think there was a greater proportion in the county of Cheſter;—three of the oldeſt, firſt ſettled Colonies in the province.

Q. Who compelled them to take up arms in 1775?

A. The firſt militia was by a voluntary aſſociation, without any compulſion.

Q. Did any aſſociate to oppoſe them?

A. I never heard of any ſuch.

Q. In no part of Pennſylvania?

A. In none.

Q. Were not ſuch aſſociations formed in ſeveral other Colonies?

A. I believe there were.

Q. Did any aſſociate to oppoſe them?

A. I did not hear ſo.

Q. Do you remember, in that year, that any great number of people were forcibly diſarmed in the province of Pennſylvania?

A. I do not particularly recollect when they begun to diſarm; but many people were diſarmed, before the reſolve of Congreſs by the Convention, and before the declaration of independence.

Q. How long before?

A. I cannot give a ſatisfactory anſwer.

Q. Was it in the year 1775?

A. I do not remember whether in the latter end of 1775 or beginning of 1776—but I rather think in 1775.

Q. Were they the greater number of the people that were ſo diſarmed?

A. I rather ſuſpect not;—they did not diſarm thoſe whom they did not ſuſpect of making uſe of arms againſt them.

Q. How many do you think might have been ſo diſarmed?

A. I really cannot ſay what proportion;—I know they called on me for my arms.

Q. Do you think that the greateſt part of the Pennſylvania militia were compelled at that time to ſerve by force?

A. The militia laws which were made in Pennſylvania, I think, were made after that time;—but I do not recollect that any of the militia, before thoſe laws were made, were compelled to ſerve.

Q. Did they obey thoſe laws?

A. Not generally.

Q. Quakers excepted, I mean?

A. There were Quakers, and a number of other ſects, who ſcrupled carrying arms.

Q. Do you remember the march of Sir William Howe from the Elk to Philadelphia—was you with him?

A. I

A. I was.

Q. Is it not almoſt the whole length of the province in that direction?

A. By no means *.

Q. Is the province more extenſive in that direction than from the Elk to the Delaware?

A. Not in that ſtraight direction from the Elk to Philadelphia.

Q. Had Sir William Howe a ſtrong army with him?

A. I ſhould think a very ſtrong army, conſidering the force in oppoſition to him †.—The

* Sir William Howe's march was not in a ſtraight direction from the Elk to Philadelphia, but in a circuit.—He marched firſt nearly north about ſixty miles to the Schuylkill, then changed his route and paſſed to Philadelphia, about twenty miles in a courſe ſouthward of eaſt.—In the firſt direction, he might have paſſed an hundred miles farther than he did.

† The force of an army does not conſiſt in numbers, ſo much as in military appointments and diſcipline.—The Britiſh army had the beſt appointments, and was compoſed of veterans, high-ſpirited and perfectly diſciplined troops.—The Rebel army was not only very badly appointed, but conſiſted of new raiſed undiſciplined troops, commanded, for the moſt part, by officers unſkilled in military knowledge. Hence we find, that the Britiſh troops have met with no difficulty in defeating them, however advantageouſly poſted, and whenever they have been attacked. But in the five ſeveral complete defeats at Long Iſland, the White Plains, Quibble Town, Brandy Wine, and German Town, there was no purſuit after victory. This important part of military policy, ſo eſſential to final ſucceſs, was in every inſtance omitted; and the Rebel General, with the aſſiſtance of the Rebel States, ſuffered to collect and recruit his diminiſhed army, to renew the appointments loſt in battle, and to appear again in force in the field. Under a conduct ſo erroneous, what avail ſuperior numbers, diſcipline, or appointments? Force, however great, is uſeleſs unleſs exerted, and victory is vain unleſs purſued.

force

force in oppoſition to him at the battle of Brandy Wine, did not conſiſt of more than 15,000 men, the army and its attendants, including officers and all, ſave about 1000 militia, for whom they could not procure arms.

Q. How many of the King's loyal ſubjects joined the army of Sir William Howe on that march?

A. There were many came into the camp, and returned again to their habitations.—I do not know of any that joined in arms—not one—nor was there any invitation for that purpoſe.—By Sir William Howe's declaration, which is before this Committee, he only requeſted the people to ſtay at home.

Q. If the people were ſo deſirous of repreſſing the tyranny of the Congreſs, how came they not to take that opportunity of riſing to protect themſelves, and to deliver up the uſurping magiſtrates?

A. The people in the province of Weſt New Jerſey had been deſerted;—many of them who had taken an active part, and been aſſiſting to the General, were obliged, to ſave their lives, to fly to New York for protection, and deſert their wives, their families, and property; and more, it is not natural to think that people of property will join an army paſſing as that did, from the head of Elk to Philadelphia, leave their wives and families, and their property, liable to be deſtroyed every moment after the departure of the army, without ſome aſſurance, or without ſome protection left with them—or aſſurances that the army would continue with them, or be ready to protect them.

Q. Is

Q. Is that ſo in all the provinces?

A. I think it will be ſo all the world over *.

Q. So that the loyal people are not able to protect themſelves after the withdrawing of the army?

A. I don't make that concluſion.—If an army goes into the country with deſign to reduce it, and ſhould find it neceſſary to make

* It is truly abſurd and ridiculous to expect that the people of a country, however well affected to us, who are deſtitute of arms or any of the means of war, will riſe in our favour, without ſome encouragement offered, or the leaſt commiſſion or invitation to do ſo, more eſpecially when that country contains a militia armed, and an army capable of keeping the field, ready to ſuppreſs them. Beſides, the people of Pennſylvania had ſeen the Britiſh army in the poſſeſſion of all New Jerſey, and its troops cantoned from New York to Trentown, to cover it, and no meaſures purſued to embody the loyal in arms, or to make uſe of the well affected force within it for its defence. They had ſeen that army, by one-fourth part of its numbers of new raiſed undiſciplined troops, driven out of Weſt Jerſey, and ſeveral thouſands of his Majeſty's faithful ſubjects who had taken a deciſive part in our favour, abandoned to the exaſperated reſentment of their enemies. They had ſeen large bodies of loyaliſts riſing in favour of the Crown, in the ſeveral Colonies of Maryland, the Delaware counties, North Carolina, and New Jerſey, unſupported by the Britiſh army, and ſuppreſſed and ſeverely puniſhed by the Rebels. After theſe examples, it would certainly have been extreme folly in the people of Pennſylvania, circumſtanced as they were, to riſe in our favour, without the leaſt aſſurance of aid or invitation to do ſo. It is certainly conſiſtent with all experience and ſound policy, when a General enters a country and wiſhes for the aid of a party in it, to ſolicit it, and to give them the neceſſary ſupport and means of doing it. The invitation, in all reaſon, ſhould come from the General, not the offer from the people. His intereſt and duty demand it; the danger of their ſafety forbids it. If the people, labouring under ſuch difficulties, are to blame for not offering their aid, how much more ſo is the General for not aſking it?

uſe

uſe of the force of that country for its defence, after the army may leave it to go on other operations; common policy, and the practice, I believe, of all Generals has been, for the army to remain in that country until the proper meaſures are taken, by proper rules and regulations, to embody that force, by which it may be protected when the army ſhall leave it.

Q. How long did Sir William Howe ſtay at Philadelphia?

A. The Britiſh army, part of it, paſſed into Philadelphia the 26th of September 1777—and evacuated it, I think, the 18th of June following.

Q. Was not that a ſufficient time for the loyal people to collect and arm themſelves for their own defence, in caſe Sir William Howe had choſen to quit that place and proceed on other operations?

A. During that time, Waſhington had as much poſſeſſion of the country of Pennſylvania, except the lines within which the Britiſh army were contained, as any enemy could be in poſſeſſion of a country.

Q. Did General Waſhington not conſider himſelf as in an enemy's country, and the people as generally diſaffected to him?

A. He did ſo in reſpect to intelligence, and I believe in reſpect to procuring proviſions;—but Waſhington knew he could, and the people without the lines knew he would, in caſe they attempted to riſe, ſend a party of his army to ſuppreſs them, which might be eaſily done, as the people well affected to Government were before diſarmed.

Q. Was not General Waſhington defeated at Brandy Wine?

A. He was driven off the ground—which I call a defeat.

Q. Did the people take that opportunity to riſe, or did they in very conſiderable bodies apply to Sir William Howe for arms and ſupport, engaging to embody after that defeat?

A. In a few days after that defeat, Waſhington collected his army;—the people ſaw Waſhington again in ſome force;—they ſaw him march from Philadelphia, round to Goſhen, to meet Sir William Howe.—That defeat gave them but little opportunity to riſe.

Q. Did they riſe, or ſend a meſſage, promiſing to riſe if protected?

A. They did not at that time.

Q. Did they, when General Waſhington retired, and Sir William entered into Philadelphia?

A. I cannot anſwer any queſtion which may tend by a ſhort anſwer to contradict what I have ſaid before, without giving my reaſons for it.

Q. Upon the retreat of Waſhington, and the entry of Sir William Howe into Philadelphia, was there any conſiderable riſing of the people in favour of the King?

Withdrew.

Again called in.

Queſtion repeated?

A. There was not; after the army went into Philadelphia, Sir William Howe remained at German Town; and although Waſhington's army retreated, when Sir William Howe croſſed the Schuylkill, up towards Reading, very ſoon

after he returned nearer to Sir William Howe's army about Skippach *.

Q. After the battle of Brandywine, had General Waſhington any conſiderable army in the lower counties?

A. He had not.

Q. Was there any inſurrection in thoſe counties againſt the Congreſs?

A. There was not;—but thoſe counties very generally, in my clear opinion, from the head of the Elk, near 200 miles, to the Capes, would have roſe in arms, could Sir William Howe, conſiſtent with his operations, have remained for a month at the head of the Elk, or about Newcaſtle, that covered that peninſula, a reaſonable time to admit of their putting themſelves into a regular poſture of defence, provided they had aſſurances of this, and an invitation and authority from him to do ſo.

Q. You having ſaid that General Waſhington had no army in theſe counties, was there not a royal naval force in the river?

A. There was in the rivers;—but there were militia in thoſe parts who had arms in their hands, and prevented the reſt of the people from putting their wiſhes in execution.

Q. Did they apply to Sir William Howe, or Captain Hammond, or Lord Howe, or any other people in authority, for arms and aſſiſtance?

* Waſhington's army, when in the field, was ſeldom poſted at a diſtance more than fifteen miles, often within twelve. And during the time the Britiſh army remained in Philadelphia, his patroles conſtantly ſurrounded the Britiſh lines. He was therefore in the full poſſeſſion and command of the country.

A. I don't know that they made any perſonal application to any of them; but I underſtood from Mr. Robinſon, a gentleman of the firſt weight and influence in thoſe counties, who came in to Sir William Howe at New York, that he had mentioned it either to Sir William Howe or his Aid du Camp, that he would, with a few men, land in the Peninſula below, in the courſe of the fleet's going round to the Cheſapeak, he would engage to raiſe men enough, if he was provided with arms to diſarm the Rebels in that peninſula, and meet Sir William Howe at the head of the Elk.

Q. Was that, or any ſuch application, made to Sir William Howe when he was in the city of Philadelphia?

A. I don't know there was.

Q. Did Mr. Robinſon, when he made that application for joining Sir William Howe towards the Elk, know that Sir William Howe intended to proceed by the Elk and the Cheſapeak?

A. I believe he did not know it, but I know that he hoped or ſuſpected it, becauſe we had many converſations about it;—he hoped it, becauſe he had his family and property there.

Q. What was the time of the firſt of theſe converſations?

A. It was about the time that the fleet was got ready at New York, and I repeatedly converſed with him on the ſame ſubject in Philadelphia—when he often regretted that he was not put on ſhore.

Q. Was not Sir William Howe out of the lines at the battle of German Town?

A. Certainly

A. Certainly he was; it was about four miles from the lines to Sir William Howe's head quarters.

Q. Was there at that time an inſurrection in his favour, or any conſiderable invitation?

A. I did not hear of any.

Q. How many inhabitants were there in the city of Philadelphia?

A. I have ſaid, about 21,600 when he went into the city.

Q. How many did the Provincial corps, formed by Sir William Howe, during all his reſidence in Pennſylvania, conſiſt of?

A. I really cannot tell the exact numbers.—There were two troops of light horſe raiſed, and I forget whether there was not a third. There were commiſſions for raiſing three regiments, —how many thoſe regiments contained, I cannot tell.

Q. How many rank and file were there—were there one thouſand?

A. I believe not.

Q. What is the reaſon why you, who are of the law, recollect ſo well the military tranſactions of Sir William Howe, and forget ſo many civil and legal matters that fell within your cogniſance while you was a member of the Congreſs?

A. I have kept a journal, which I can produce to the Houſe, from the time I left my own family, to the time I entered Philadelphia, in which I can ſhew the diſtance, latitude, the wind and the weather, during the whole voyage round, and other material tranſactions.

Q. Why did you not keep a journal or minutes of your proceedings in Congreſs, ſo far

far as related to yourſelf, your own conduct and opinions?

A. I have a great many minutes of my proceedings in Congreſs—ſhort minutes on ſeparate papers—notes that I ſpoke from; but I have never looked over thoſe minutes ſince,—nor did I think of making a journal, at that time, of the proceedings of Congreſs.—I had not that leiſure at that time which I had when I made my other journal.

Q. Was you kindly received, protected, and promoted to an office of truſt and confidence by Sir William Howe?

A. I was received by Sir William Howe with politeneſs, and at his requeſt I held the office (after conſidering of it four days) of Superintendant of the Police of Philadelphia?

Q. Have you not lived in intimacy with Sir William Howe, frequently dining with each other?

A. I have frequently dined with Sir William Howe, and Sir William Howe dined once with me; but never was at my houſe but once beſides, though we lived next door to each other.

Q. Did you make any complaint of incivility or unkindneſs from Sir William Howe whilſt you was in America?

A. No—I don't recollect I did, nor have I ſaid that he ever treated me with unkindneſs. The buſineſs that was done between Sir William Howe and myſelf, reſpecting his military operations, was done entirely by his Aid du Camps. When I came into him from the province of Pennſylvania, I had no perſonal converſation with him, or not for above eight or ten

ten minutes, reſpecting the ſtate of that province, nor ever any other perſonal converſation with him reſpecting the ſtate of the Colonies in general.

Q. Had you a great property in America before thoſe troubles, and is it now in your poſſeſſion, or of your attorney?

A. I had very conſiderable property in America before the troubles. I have ſaid before, my life was attainted by an Act of Aſſembly of the Rebel States, and my property confiſcated. My eſtate was not ſhort of 40,000 l. Sterling, on a moderate valuation, before theſe troubles begun.

Q. Have you any hopes of recovering it but by the ſucceſs of his Majeſty's arms?

A. Without that co-operation, I have no hopes of recovering it.

Q. Do you receive any allowance from Government?

A. I do—but a very ſmall pittance, compared with what I have ſacrificed for Government.

Q. Is it for life, or during pleaſure?

A. I know not, for I never looked or enquired into the appointment.

Q. *(by Lord Howe)* Don't you remember coming to Lord Howe's quarters in Philadelphia a ſhort time before the town was evacuated, to aſk his advice, how it would be beſt for you to proceed on that occaſion?

A. I do.

Q. Did not Lord Howe recommend your ſtaying in Philadelphia, if you ſhould find it could be done with ſafety?

A. He

A. He did.

Q. Did not you then profeſs, that great attention had been ſhewn by Lord Howe and General Howe to your perſon and ſervices antecedent to that period?

A. I don't recollect it. Something might drop from me to Lord Howe, reſpecting his confidence, and his attention to my family; but as to any attention to my ſervices paid by his Lordſhip's honourable Brother, I don't recollect that any thing paſſed from me with reſpect to that, and I am inclined to think that nothing did; becauſe the ſervices that I performed, I thought, deſerved as much as I received, and more *.

Q. Was

* While others, from very low circumſtances, were amaſſing immenſe fortunes under the General, Mr. Galloway, for all his extenſive and very important ſervices, was allowed only at the rate of 200l. *per annum* for the firſt year, and for the other ſix months at the rate of 665l. So that all he ever received from the General amounted to the ſmall ſum of 537l. 10s. paid out of the public purſe; and as the receipt of this ſum has been mentioned to invalidate his credit, it is but juſt that we ſhould give a brief account of the ſervices he performed for it. While he remained at New-York, he was aſſiduous in procuring intelligence of the ſtate of the Middle Colonies, the rebel force, and of the water-guard in the river Delaware, &c. When at Philadelphia, he accepted of the offices of Superintendant of the Police, of the Port, and of the prohibited Articles—offices which, being founded entirely on new principles, and being of the firſt importance to the inhabitants, as well as the Britiſh ſervice, required a great diverſity of attention and inceſſant application. He alſo ſuperintended the avenues of the Britiſh lines, appointing perſons acquainted with the people paſſing them, whoſe report he received every evening. On him the General, in a great meaſure, relied for intelligence. His diffuſive knowledge of the Middle Colonies, his influence and popularity, enabled him to procure the

Q. Was not great attention paid to your diſtreſſed ſituation ſubſequent to the time that has been named, until Lord Howe left America?

A. Juſt

the beſt. He was applied to and conſulted on buſineſs in almoſt all the general and different departments of the army: by the Quarter-Maſter-General, to procure guides and horſes for the army; by the Commiſſary-General of Proviſions, to procure magazines of forage; by the Chief Engineer, to furniſh workmen for the lines; and by Lord Cornwallis, to ſtop out the water on Blakeley's and the Province Iſlands— a work, which was thought at firſt impracticable in any reaſonable time, and which he performed in ſix days, and without which it was impoſſible to erect the batteries againſt Mud-Iſland fort. He offered to raiſe a regiment of American light-horſe, but received a warrant for raiſing only a troop. Theſe, in a ſhort time, he had perfectly diſciplined fit for action. He alſo embodied eighty refugees from the county he lived in, who ſerved the Crown as volunteers, receiving neither pay nor clothing. Having obtained leave to operate with theſe two corps, he kept them conſtantly executing plans formed by himſelf. Knowing that Waſhington's army was in great diſtreſs for want of clothing, and that he had ſeized all the cloth in Bucks county, which was making up for his army at Newtown, a village diſtant near thirty miles from the Britiſh lines, he ſent out twenty-four of this troop, and fourteen of the volunteers, to take it. This they performed in leſs than 24 hours; and, after having ſtormed two rebel poſts, killed eight men, taken a major and ſeveral other officers and priſoners, making in the whole thirty-two, they returned with the cloth. He next meditated an expedition againſt Briſtol with forty horſe and fifty volunteers; but receiving intelligence, that upwards of two hundred rebels had taken poſt about four miles from the road to that village, he ordered Capt. Hoveden, who commanded the party, to attack them, if he found them there; if not, to proceed on to Briſtol. This was performed with the utmoſt gallantry; the rebels were defeated and diſperſed, twenty-three killed, and eight taken priſoners. He alſo laid a plan for the ſeizing the rebel Governor Livingſton, his Council and Aſſembly,

A. Juſt before the city of Philadelphia was evacuated, I received from Sir William Howe's Secretary twenty ſhillings a day, allowed me from the time I came in to Sir William Howe to that time, as I underſtood, out of the public money.

Q. Whether, on your apprehenſions of the conſequences that might happen to you, in caſe you ſhould be made priſoner on your paſſage to England, Lord Howe did not offer you and your family a paſſage in his ſhip?

A. He did, and I thanked his Lordſhip for it, and ſo I do now.

Q. If on the proſpect, at that time, of your return to England before Lord Howe, you did not requeſt his Lordſhip's interpoſition with Government, to obtain ſome proviſion for your future ſupport, in reward for your paſt ſervices, and compenſation for the loſs of property you had thereby ſuſtained?

A. I don't recollect any proſpect of my returning to England before Lord Howe. If I recollect right, Lord Howe would naturally return before me. I don't recollect that I made

ſitting at Trentown. His intelligence was ſo good, and his ſcheme ſo well concerted, that there could be no doubt of ſucceſs; but he was not permitted to carry this deſign into execution. In ſhort, this troop and company were continually operating during the winter and ſpring, under his direction, in a variety of excurſions, in which they took near two hundred priſoners, and ſcoured all that part of the country, between Philadelphia and Trentown, of the diſaffected to Government. After this ſhort narration of a part only of Mr. Galloway's ſervices, the world will determine on which ſide the obligation lies between the General and that Gentleman.

a poſi-

a poſitive requeſt to Lord Howe to intercede with Government. I know that a converſation paſſed between us on the ſubject a few days before his Lordſhip came away. Whether I interceded with his Lordſhip or not, I can't now recollect; but his Lordſhip gave me to underſtand, that he ſhould have it little in his power to do me any ſervices. I believe very ſincerely, his Lordſhip was diſpoſed to do it.

Q. Did not Lord Howe, in anſwer to your application, or in converſation about your returning to England, adviſe you to expreſs a diſregard for Gen. Howe and Lord Howe, as the beſt plea for obtaining favour from the American miniſter?

A. I believe his Lordſhip did intimate, that he ſhould have no intereſt, when he came home, with the American miniſter; but I ſincerely declare, that I don't recollect that he ſpoke to me in the poſitive way the queſtion ſuppoſes.

Q. Did you not apply, before you left Philadelphia, for a flag of truce, for the purpoſe of your making your peace with the rebels?

A. I did not. When I made the application to Sir Henry Clinton, Col. Innys, through whom I made it, can prove, at any time, that it was my firm reſolution not to apply for a flag of truce. Col. Balfour ſeveral times aſked me, whether I had got a flag of truce from Sir Henry Clinton. I told him, I had not. I did not care, or think it prudent, to tell him what had paſſed between Sir Henry Clinton and us, reſpecting what I had communicated to Sir Henry Clinton, and what he had

ſaid about a flag of truce, as Col. Innys informed me, what he brought from Sir Henry Clinton was not to be underſtood as official.

Q. Did not you finally come away from Philadelphia with the Britiſh army, on the certainty of loſing your life if you had ſtaid, and in hopes of your property being preſerved by your wife's ſtay in that city?

A. I came away from Philadelphia, knowing that my life would be taken if I ſtaid; but I had no expectation of ſaving that property which I held in my own right. Mrs. Galloway's eſtate was very conſiderable, as well as my own; and ſhe ſtaid under an expectation, from ſome words in the law, that ſhe might retain her own eſtate even during my life, and at leaſt after my death; and for that purpoſe only ſhe remained behind.

Q. Is ſhe now at Philadelphia?

A. She is yet there, and informs me ſhe has no expectation of ſaving even her own eſtate.

Q. How long before the army left Philadelphia had you determined to come away with it?

A. I never had a reſolution or determination to ſtay, after the notification of its being to be evacuated. I had taken too active a part againſt the rebels, and knew that I could have no ſecurity if I ſtaid.

Q. Did you not adviſe every one of your friends, who you thought could remain in ſafety with the rebels, to ſtay in Philadelphia—and were not two perſons, who followed that advice, afterwards put to death?

A. There was not a perſon who had taken

an active part, to my knowledge, but what I adviſed to come away with the Britiſh army. As to Roberts and Carliſle, the perſons to whom I ſuppoſe the queſtion alludes, the firſt never conſulted me on the occaſion: he had a very large family, and a large eſtate, and many friends more confidential than myſelf, with whom he adviſed, and whoſe advice he followed. As for Carliſle, I poſitively adviſed him to leave the city, becauſe I knew he would not be ſafe. I was ſent to by ſome of the firſt men in the province, to know whether I would adviſe them to take the oaths of allegiance to the Rebel States; and I adviſed them never to do it, but at the laſt extremity and neceſſity.

Q. Had not the other managers of the police, who you have ſaid declined following the advice of Sir William Howe to remain at Philadelphia, reaſon to apprehend the ſame violence if they had ſtaid there?

A. I think they would have been capable of making a better intereſt, and their peace would have been eaſier made than mine; and yet I have great doubts, whether they did not remain in the ſame jeopardy I did, as the great object of the rebels, in confiſcating eſtates, was to procure a ſum of money, and theſe gentlemen were men of conſiderable fortunes.

Q. Do you know if Mr. Willing, of Philadelphia, had his pardon from the Congreſs?

A. I don't know.

Q. Did he refuſe to take it?

A. I never heard.

Withdrew.

FINIS.